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FOR CLERGY  
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**Contents:**

|  |  |
|--|--|
| OFFICIAL DOCUMENTS . . . . .   | 91   |
| "THOUGHT IT NO ROBBERY TO BE EQUAL WITH GOD" . . . . .   | Rev. Albert Power, S.J. 105  |
| MORAL THEOLOGY AND CANON LAW,<br>Rev. T. F. Roche, C.S.S.R. 120<br>The Principle of Possession in Moral Theology.  |  |
| MORAL THEOLOGY AND CANON LAW,<br>Rt. Rev. J. J. Nevin, D.D., D.C.L. 127<br><i>Parochus Proprius</i> for Mixed Marriages—Grave Matter in Theft—Week-end Holidays which Entail Omission of Mass. |  |
| LITURGY . . . . .  | Rev. J. Carroll, D.C.L. 137<br>The Papal Tiara—Stations of Lent—Communion of Sick Nuns before Mass—Requiem Mass within the Octave of Corpus Christi—Asperges Ceremony in Parochial Churches—Anticipating Matins and Lauds. |
| BOOK REVIEWS . . . . .   | 144<br><i>The Mystery of Faith</i> (Translation by Rev. J. Carroll, of <i>Mysterium Fidei</i> , Book I).   |

**Nihil Obstat :**

RICHARDUS COLLENDER,

CENSOR DEPUTATUS.

**Imprimatur :**

**✠ NORMANNUS,**

ARCHIEP. SYDNEYENSIS.

# Official Documents

## MOTU PROPRIO

*proclaiming Holy Masses and public Prayers to be offered throughout the world on November 24th next, for the present needs of human society.*

### PIUS XII POPE.

All know that ever since a new and terrible war began to convulse Europe, We have left nothing undone which was called for by the responsibility of the Office entrusted to Us by God, or suggested by Our paternal love of all peoples; We have done so, not only that by means of a more equitable and just order the concord which is now, alas, lacking among so many nations should be re-established, but also that all those to whom the fury of the raging conflict has brought hurt and sorrow might have all possible divine comfort and human aid extended to them.

But since this cruel struggle, instead of abating, continues to gather violence, and Our voice, pleading for peace, is drowned in the clash of arms, We turn our minds in trepidation, but yet in confidence, to the "Father of mercies and the God of all comfort," and We implore for the human race times more peaceful from Him who bends the wills of men and by His divine direction orders the course of events.

Well do We know, however, that Our prayers will be more efficacious if, in perfect conformity of minds the prayers of Our children are joined to Ours. As therefore at the approach of last May, We invited all the faithful and especially the children to the altar of the Virgin Mother of God, to implore the aid of heaven, so now We ordain that throughout the world, on November 24th next, public prayers be offered in union with Us; and We cherish the confidence that every child of the Church will willingly second Our desires, so as to form an immense chorus of prayer, which rising aloft and penetrating the heavens, will win for us the favours and mercy of God. We hope too—and this is something of graver importance—that the crusade of prayer be accompanied by acts of penance and by the spiritual improvement of each one's life, brought into closer accord with the law of Christ. The present necessities and the possibilities of danger which the morrow may bring ask for this; the divine justice and the divine mercy, which we must conciliate, demand it.

But since there is no more powerful means of placating and conciliating the divine Majesty than the Holy Sacrifice of the Eucharist, through which the Redeemer of the human race Himself is offered "in every place . . . a clean oblation," We desire that on the day, on which these sacred functions shall take place, all the ministers of the altar should in the due celebration of Holy Mass unite themselves spiritually to Us, who shall offer the divine Sacrifice over the tomb of the Apostles in the Vatican Basilica. Accordingly by *Motu Proprio* in virtue of Our Apostolic Authority, We establish that on the 24th of November next all those who are bound to say Mass for the people entrusted to them, apply it according to Our intention. And Our intention is this: that by the infinite worth of all these Sacrifices of the Eucharist, to be offered that day to the Eternal Father at every moment and in every part of the world, all those who have died as a result of the war may obtain eternal rest; that exiles, refugees, dispersed, prisoners, and all in fine who suffer or mourn through the calamity of the present conflict may have the heaven-sent comforts of grace; that finally order being restored in justice, and minds being appeased through Christian charity, a true peace may unite as brothers all the peoples of the human family, giving them back tranquillity and prosperity.

Given at Rome, at St. Peter's, on the 27th of October, feast of Christ the King, in the year 1940, the second of Our Pontificate.

PIUS XII, POPE.

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#### LETTER

*to the Most Eminent Fathers and Lords the Cardinals and the Most Reverend Lords Archbishops, and Bishops of France.*

PIUS XII, POPE.

To our dear Sons and Venerable Brethren the Cardinals, the Archbishops and the Bishops of France, health and Apostolic Benediction —The expression of filial devotion which you sent to Us on the morrow of the unprecedented disaster which has just befallen your country, and your expressed desire to have a word of comfort from Us have touched Us deeply. Indeed We felt from the first moment a correspondingly strong desire to be in your midst, dear Sons and Venerable Brethren, that We might tell you what a profound echo was aroused in Our paternal heart by the calamity which plunges France

in mourning. Surely this feeling of very paternal affection which has permitted us to share many times, at a distance or near by, the joy of your religious events, does not now permit Us to keep afar off on the day of your misfortune, while tears are flowing in every part of France with as great abundance as the blood of her valiant youth has flowed during this war when they generously and nobly made the supreme sacrifice of their lives.

We are with you all, Pastors, priests and faithful. We are moved by your lot, but at the same time We are consoled to find in you, during the days of trial, in all its dignity, the Catholic soul of that France which prosperity has sometimes led away from the path of its noblest traditions, while misfortune has never cast her down but rather has brought her nearer to God, in order to restore her more vigorous and conscious to her great spiritual and Christian mission. It is precisely towards this mission, which is France's finest title of glory, that We wish to invite you to lift your eyes and your best hopes. It is thus that you shall realize that in such a sad hour in your history your providential role remains in all its value. Yes, the misfortunes with which God visits His people to-day, shall be, We have no doubt, in the adorable designs of His Providence, the propitious condition of more certain spiritual work for the uplifting of the whole nation and for its richer contribution to Christian society.

Is not this the true greatness of a people as well as of every man who is conscious of his dignity and of the value of life? Is it not in sorrow that we are best enabled to open our eyes to eternal Truth, and to find once more the ways of wisdom for our true happiness?

We are not ignorant what spiritual resources France has at her disposal to enter upon this way, and get possession of her soul once more. She can make of her misfortune the lever of a new spiritual ascent, which will be for her the pledge of solid and enduring happiness.

Those resources are so numerous and so powerful that they will not—We are sure—await the conclusion of peace to set themselves at work, and give to the world the spectacle of a great people, worthy of its age-old traditions, finding in their faith and in their untiring charity the strength to face adversity and resume their march along the way of honour and of Christian justice.

We are pleased to believe that all of you, dear Pastors and priests of Jesus Christ, after having given everything to your country amidst

the horrors of war, will now hasten to betake yourselves to your posts and make it your duty, in the resumption of the laborious life of the country, to bend down like a Good Samaritan over your wounded sheep, to care for their wounds and soothe their ills with the innumerable means of which charity in your country has always had the secret.

In this sweet confidence We address Ourselves, dear Sons and Venerable Brethren, to your episcopal and paternal hearts to carry to the great French family, to-day more than ever gathered close around their Pastors, Our word of comfort in the word of that God Who never humbles his children unless it be to set them right in his justice and make them worthy of Himself.

While Our heart opens wide in pity for all those dear children of France, and while We embrace them paternally in Jesus Christ, We send to all—Pastors, priests and faithful—as a pledge of Our very special goodwill, the Apostolic Benediction.

From the Vatican, on the feast of the Holy Apostles Peter and Paul, June 29, 1940.

PIUS XII, POPE.

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RADIO MESSAGE TO THE ORDINARIES AND FAITHFUL  
OF THE UNITED STATES ON THE EVE OF MISSION  
DAY, OCTOBER 19, 1940.

*Venerable Brethren and beloved children.*

We are on the eve of the day dedicated to advancing the growth of Catholic Missions throughout the world; and while Our heart embraces with the love of a father the whole vast flock of Christ, it turns with special feelings towards you, generous citizens of the United States of America, whose lands have received from Nature herself an abundant largess of her treasures and where the heavens smile on a people industrious and strong. Our voice on the wings of that marvellous creation of human genius is wafted from the Vatican Hill across the Atlantic, in answer to your desire to hear from Us a word that might stimulate the ardour of your missionary zeal. Delightful and still vivid in our mind is the memory of Our visit among you and of the long journeys We made by air across those fertile regions amazing with their mountains and plains, lakes and rivers. Then it was We came to know and admire your cities, your churches and cathedrals,

your High Schools, Colleges and Universities, the well-balanced spirit of your strenuous activity, the extraordinary monuments of your ardent faith and charity.

To-day, though his unworthy successor, We occupy the Chair of Peter; and while these precious memories, never to be erased, carry Our thoughts to you, Our gaze stretches far beyond over the face of the earth; and the hope that you will help in spreading the Gospel takes on new life, new strength, expands and is lifted up to the sublime heights scaled by your eager and unselfish zeal to bring the nations to the feet of Christ. Yours is Maryknoll, the Society for Foreign Missions of Maryknoll, whose members in Eastern Asia are toiling to spread the faith in holy rivalry with other religious Institutes of men and women, founded it is true in Europe, but counting even they among their missionaries, so many of your own heroes and heroines. Yours, too, is the glory of large-souled liberality, that gives honour to your name in the harvest fields of the Gospel and among the tillers of Christ. Far from permitting that glory to be tarnished, you are preparing to-morrow to add lustre to its brightness.

As to-morrow dawns and Catholics the world over vie with each other in their desire to assist the missions, Christ's missionaries will look up from the fields where they labour in the sweat of their brow, where they suffer deprivations, fight their battles, win their victories; Sisters, consecrated to instruct youth and alleviate the hardships of human fortune, will look out from their orphanages, from their hospitals, from their schools; the East and West, the ice-bound lands of both poles, the immense regions incarnadined and made desolate by international strife will be expectant; the Church, Christ's Spouse, her hands outstretched, We, with eyes uplifted to heaven for you, Christ Himself, Redeemer of the world, will await with holy confidence the promise of the day. Is not He, as it were, the God-Missionary of the Father, who came down from heaven in the form of a servant, herald of the good news, divine ambassador; and when His mission to bring life was crowned by the bitterness of death, raised from the earth on Golgotha's cross, crucified He opened wide His arms to draw all men unto Himself (Jn. XII, 32).

Look, Venerable Brethren and beloved children, gaze on the world and on the harvest of souls everywhere so fair to see; but over it sweeps in thundering waves the tempest of battles, of destruction, of suffering, of countless human sorrows. Behold how many mes-

sengers of the Gospel, how many men and women, heroes of Christ, workers in His vineyard, are living and toiling and struggling and suffering amid dangers and obstacles, amid deprivations and destitution, that chill the ardour of their zeal, and put stumbling blocks in the way of their holy and charitable ambition. With eyes and hands up-raised they look to you, and with them look the faithful of their flock, and those others, too, who have yet to hear the shepherd's voice, while they wander and sit in the shadow of death, knowing nothing of Him Who has redeemed them and Who has promised them eternal life and peace. Pray that the Master of the vineyard send workers for these your brothers too; for they also have been called to be born again in Christ. Prayer is the sword which pierces the heart of God and lets flow His love and mercy; it is the offering made by your lips, by your heart's loving interest in the missionaries of Christ, in those lambs that have strayed from the fold, in those pathetic sufferers who are bearing the burden and torments of our calamitous age.

That offering of prayer rising before the sacred tabernacles, where the Divine Shepherd of His redeemed flocks lives, encourages and associates Himself with His apostles in the fields and by-paths of their wearying toil, will not fail to be accompanied by the gift of your hand. You will offer it in this sad and distressing hour to help the Spouse of Christ in the propagation of the faith. You will help her to push on the good work begun, to rebuild what has been damaged or destroyed; to reassure the fainthearted and discouraged, to multiply the scant resources, to sustain, to increase and advance the whole missionary movement on towards the ultimate triumph of that kingdom of God on earth, which is the subject of our daily petition to the Heavenly Father in that prayer taught us by Christ: Thy Kingdom come. This is the kingdom of peace between our souls and God; it is the kingdom of peace between brothers founded on their mutual affection, of peace between the peoples and nations of the world based on the equitable adjustment of differences and on that union which comes with right order. At the present hour men are far, far removed from this peace; the intimate sense of common values both in the natural and supernatural orders, threatens to abdicate in many hearts to opposing principles; so much the more comforting then and inspiring will be your efficacious fidelity to the Catholic missionary spirit. For, after all, the peace of the world is a missionary aim of the Church. On the tranquillity of order among men depends her life, the conquest and

salvation of souls, the diffusion of the precious gift of faith, the triumph over evil—all leading to that goal of unchangeable peace in eternity.

In these sublime and holy thoughts let your prayer and your generosity find their support. The money you give to help the poor missions is a loan made to the Lord, and the Lord will recompense you for it (Prov. XIX, 17); Christ Who speaks and works in the champions of His Gospel, will grant you to share in their merits; He will consider as given to Him what you give to them.

May the God of our tabernacles find you ready with the earthly goods, with which He has gifted you, to co-operate in building and multiplying the tabernacles of divine delights in the midst of the children of men. May they rise on every shore of the sea, on every plain and mountain of the earth, even unto those limits frozen over by polar ice or scorched by burning sun, whither only the droning plane can carry the priest to make an altar for our divine sacrifice. In those solitudes of God, in those remote recesses far from the haunts of men, souls new-born to Christ will be lifted up in prayer of thanksgiving to God and of gratitude to you. For you and for your work, for your scores of flourishing schools, your centres of learning, your centres of charity and relief they will implore an abundant recompense of divine favours. As a token and presage of these heavenly blessings receive the Apostolic Benediction, which, mindful of your sincere and warm devotion to the Vicar of Christ We impart to each and everyone of you with all the deep affection of the Shepherd of Christ's flock.



#### SACRED CONGREGATION FOR THE ORIENTAL CHURCH. REPLY.

*regarding dignities granted by Prelates of Oriental Rite to priests of a different rite.*

The query has been submitted: "Whether dignities granted by Prelates of Oriental Rite to priests of a different Rite carry with them the faculties annexed to the same dignities in the Rite of the Prelate who grants them; or whether they merely give the insignia of honour."

This Sacred Congregation for the Oriental Church has deemed well to answer: *No to the first part; Yes to the second*, provided that there is question of liturgical insignia to be worn in liturgical ceremonies of the Rite of the Prelate granting and at the same time the

consent, at least presumed, of the local Ordinary be had.

Given at Rome, from the Palace of the Sacred Congregation for the Oriental Church, June 11, 1940.

JOSEPH CESARINI, *Assessor.*

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## SACRED CONGREGATION OF THE SACRAMENTS.

### NORMS

*for the execution of the Apostolic Letters "Qua cura" given by Motu proprio December 8, 1938 .*

In order that the points decreed in the Apostolic Letters *Qua cura* of December 8, 1938, may be carried into effect, this Sacred Congregation issues the following statutes.

### CHAPTER I.

*Of the Moderator, Judges and Ministers of the regional tribunal.*

Art. 1. The regional tribunal is subject to the authority of the Archbishop of the place in which it has its seat. Consequently the Archbishop rules and controls it in the name of all the Bishops of the region. He holds all the rights and offices belonging to local Ordinaries in regard to their own tribunal according to the sacred canons and the Instruction of this Sacred Congregation of the Sacraments dated August 15, 1936, unless it be otherwise ordained in these present statutes, or the subject matter plainly requires it otherwise.

Art. 2. The judges and ministers of the regional tribunal shall be appointed in a regional meeting of the Ordinaries of the region, as the aforesaid Apostolic Letters issued by *Motu proprio* lay down under No. III.

Art. 3. Care shall be taken that the persons chosen are remarkable not only for integrity of life, and are distinguished by a doctorate or at least a licentiate in canon law—failing which they shall be persons of real juridical science and experience—but are also placed in circumstances which permit them to give sufficient time to the due fulfilment of the duties laid upon them.

Art. 4. The names of those who are chosen for the duties of official (also, if it so be, of vice-official or vice-officials), judges, promotor of justice, defender of the marriage tie (and their substitutes, if such there be) shall be made known as soon as possible to this Sacred Congregation by the President of the Regional Meeting, with indication of age, studies, curriculum vitae, as also with testimony

regarding their sacerdotal virtues. Amongst other reasons, this information is required, in order that this Sacred Congregation may be able to state whether there is any obstacle to the nomination of any person chosen.

Art. 5. The nominations mentioned above shall generally be for three years, saving the faculty of confirming them for successive triennia.

Art. 6. All those who constitute the regional tribunal or assist it shall take an oath to fulfil their office duly and faithfully, before the Archbishop of the seat of the regional tribunal, in the case of an official; or in the case of others, before the Ordinary of the same seat, or before the judge by whom they have been chosen, or before an ecclesiastic delegated by one or the other. This oath must be taken on receiving office, if the nominees are stable, or before a cause is taken in hands, if they are appointed for a particular cause, or before they undertake their duties if, while a cause is pending, they are substituted according to Art. 19 of the *Instruction*.

Art. 7. Officials, judges, promotoris of justice, or defenders of the marriage tie (or, if such there be, their substitutes, unless they are deputed per modum actus) cannot be removed by the Archbishop of the seat of the tribunal, during their term of office, unless for grave reasons and with a previous vote of all the Bishops of the region.

Art. 8. No one can exercise the office of judge in a cause, if he actually exercises the office of advocate or procurator in matrimonial causes, either directly or by proxy, although he does so at other tribunals, even those of the Holy See. The same holds regarding the promotor of justice and the defender of the matrimonial tie. All these are likewise strictly prohibited to interfere in any matrimonial causes whatever in whatsoever way, outside their spheres.

Art. 9. The Archbishop of the seat of the regional tribunal, having taken counsel with the other Bishops of the region, shall have a list of procurators and advocates for the tribunal made out according to Articles 47-53 of the aforesaid *Instruction*.

## CHAPTER II.

### *Of the mode of proceeding in the handling of matrimonial causes.*

Art. 10. In view of safe procedure in the handling of matrimonial causes before the regional tribunals, the above mentioned *Instruction* shall be accurately observed, with the additions and changes to be noted hereunder.

Art. 11. With regard to the competence of the regional tribunal, Articles 1-12 of the aforesaid *Instruction* shall be observed, attention being paid to the fact that the regional tribunal, in what concerns matrimonial causes, is a common tribunal for the dioceses of the Region and at the same time a proper tribunal of each diocese of the Region.

Art. 12. The causes shall be registered thus: The first entry shall be the name of the regional tribunal, then the name of the diocese in which the marriage was celebrated, or to which the party cited belongs, lastly, the title of the cause, e.g., "Tribunal Siculum-Messanen. Nullitatis matrimonii (N.N.)." But when the cause is in appeal, it shall be registered thus: *Tribunal appellationis Neapolitanum-Messanen. Nullitatis matrimonii (N.N.)*.

Art. 13. It belongs to the Bishop of the domicile of the parties to give judgment on the existence of the circumstances mentioned in Articles 38 § 2 and 39b of the *Instruction*; however, before he gives judgment, it will be well for him to discuss the matter with the Archbishop of the seat of the local tribunal.

Art. 14. It belongs to the Archbishop of the seat of the tribunal to admit or designate a guardian according to Art. 78 of the *Instruction*, after taking advice from the Ordinary of the party cited, for whom a guardian is to be appointed.

Art. 15. In the excepted cases mentioned in canons 1990-1992 each petition shall be sent back to the Archbishop of the regional tribunal who, after having the opinion of the Bishop of the parties' domicile, shall see to it according to title XV of the aforesaid *Instruction*. The official spoken of in Article 228 of the *Instruction* is the official of the regional tribunal.

Art. 16. The Defender of the marriage tie shall not easily omit the appeal mentioned in Article 229 of the *Instruction* to a tribunal of second instance, especially when there is question of impediments from which dispensation is usual.

### CHAPTER III.

#### *Of the honoraria to be assigned to judges and ministers of the tribunals.*

Art. 17. The stipends or remunerations and honoraria of the judges and ministers of the tribunals the Ordinaries shall determine in their Regional Meetings, taking account of the circumstances of the Region and the number of the causes. The judges and ministers shall be remunerated becomingly in accordance with the work they have given to the tribunal.

Art. 18. These emoluments shall generally be moderate, since the judges and ministers of the tribunal are mostly already provided with some ecclesiastical benefice. At the same time the emoluments shall be sufficient to preclude the necessity of their looking for means of support elsewhere, and thus being impeded from giving their service assiduously to the tribunal.

Art. 19. The Ordinaries at their Regional Meetings shall fix (if needs be) the contributions of each diocese of the Region to the expenses of the regional tribunal. Such contribution shall be proportionate to the number of causes from each diocese.

#### CHAPTER IV.

##### *Of taxes and judicial expenses, and also of the remuneration of procurators and advocates.*

Art. 20. The Ordinaries at their Regional Meetings, with due consideration of local and temporal circumstances, shall approve a schedule of taxes and judicial expenses, and of emoluments for procurators and advocates who handle causes in the regional tribunal. These emoluments shall, of course, be very different from the incomes of procurators and advocates in the tribunal of the Sacred Roman Rota (A.A.S., vol. XXXI, pp. 662-665).

Art. 21. The schedule of expenses and emoluments mentioned in the preceding Article shall be made known to all litigants. The Ordinaries and the tribunals shall carefully attend to the prescription of Art. 54 of the *Instruction*.

#### TEMPORARY AND TRANSITORY REGULATIONS.

The above statutes and the Apostolic Letters "Qua cura" in their entirety shall be put into execution on the thirtieth day from the publication of the present norms in the *Acta Ap. Sedis*.

The nominations of judges and ministers of regional tribunals already notified to this Sacred Congregation, if the Congregation has moved no exception against them, shall be regarded as approved.

Regarding causes which on the said day shall be found pending in the first instance, in the diocesan tribunal, the following procedure shall be observed:

(1) If the bill is already presented, and the parties are not yet formally at issue (Can. 1727, Art. 88, *Instr.*), the bill itself shall be transmitted to the competent regional tribunal. The diocesan tribunal shall no longer deal with the matter.

(2) If the instruction of the process is only begun, and the parties, as well as the defender of the marriage tie and the promotor of justice (if he intervene), are not opposed to it, the process can be brought to the regional tribunal.

(3) If the cause is concluded (Art. 177, *Instr.*) the diocesan tribunal must give a definite sentence.

(4) The same shall be done, with the necessary changes, in causes which are in course of appeal.

(5) From the sentence of a diocesan tribunal, in the first grade, an appeal shall be lodged before a tribunal of appeal, which would be competent to receive it, if the same sentence had been given by a regional tribunal of first instance.

If it be of second grade, the common regulations shall be applied (*Instr.*, Articles 212-222).

Our Most Holy Lord Pius XII by divine Providence Pope, in an audience granted to the Secretary of this Congregation, July 5, 1940, deigned to confirm and ratify the above Norms as approved by the Eminent Fathers in plenary session, May 28, of the same year.

Given at Rome, from the Palace of the Sacred Congregation of the Sacraments, July 10, 1940.

D. CARD. JORIO, *Prefect.*  
F. BRACCI, *Secretary.*



SACRED CONGREGATION DE PROPAGANDA FIDE.  
DECREE

*regarding the oath on Malabar Rites to be taken by Missionaries  
in the East Indies.*

The following doubt having been proposed, namely, "Whether, after the abolition of the oath regarding the Chinese Rites, it is also opportune to dispense Missionaries in the East Indies from the oath regarding the Malabar Rites," the Most Eminent and Reverend Fathers placed over this Sacred Council for the Propagation of the Christian Name, at a plenary meeting held on April 8, decided that reply should be given as follows:

*Yes*, but the obligation of observing the ordinances of Benedict XIV remain, in so far as they are not changed by the Holy See.

This judgment of the Eminent Fathers was duly reported to our Most Holy Lord Pius XII by divine Providence Pope, in an audience

granted on this day to the undersigned Secretary of this Sacred Congregation of Propaganda. His Holiness deigned to approve and ratify it in everything, and further ordered the present decree on the matter to be published.

Given at Rome, from the Palace of the Sacred Congregation de Propaganda Fide, April 9, 1940.

P. CARD. FUMASONI-BIONDI, *Prefect.*

✠ CELSUS COSTANTINI, Abp. Theodos., *Secretary.*

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PONTIFICAL COMMISSION FOR THE AUTHENTIC INTERPRETATION OF THE CANONS OF THE CODE.

ROMAN AND OTHERS.

*Answers regarding competence.*

Some doubts have arisen, especially since the publication of the Motu proprio *Qua cura* by Pius XI of happy memory (Dec. 8, 1938), regarding the limits of the competence of the Sacred Congregation of the Sacraments in causes concerning the nullity of marriage, in consequence of which doubts the same Sacred Congregation begged Our Holy Lord Pope Pius XII to have the controversy authoritatively decided.

His Holiness graciously received the petition, and deigned to designate, in accordance with Canon 245, this Pontifical Commission for the authentic interpretation of the canons of the Code to decide the controversy.

Whereupon the Eminent Fathers of this Pontifical Commission, in a plenary session held on July 4th, 1940, in the Vatican Palace, subjected the following doubts to examination:—

I. Whether the Sacred Congregation of the Sacraments possesses general and pre-eminent jurisdiction in causes of nullity of marriage, so that it may call them to itself, or suspend their course, or suspend the execution of the sentences passed in regard to them.

And if the answer is negative:

II. What rights does the same Sacred Congregation possess in causes of nullity of marriage.

III. Whether in causes of nullity of marriage the Promotor of justice and the Defender of the marriage tie (*Defensor vinculi*) are to be regarded as delegates or representatives of the Sacred Congregation

of the Sacraments, so that this Congregation can control their functions.

And if the answer is negative:

IV. Whether and how the same Sacred Congregation in case of denunciation of nullity of marriage, whereof mention is made in canon 1971 § 2, can interfere in those things which precede the accusation of nullity of marriage.

To these doubts their Eminences gave answer as follows:—

I. No.

II. The Sacred Congregation of the Sacraments possesses the following competence in causes of nullity of marriage:

(a) The right of deciding questions regarding the validity of marriage which may be brought to it, provided that these questions do not require a more accurate discussion or investigation, according to the ruling of canon 249 § 3;

(b) The right of defining questions regarding the competence of the judge by reason of quasi-domicile according to the *Instruction* of the same Sacred Congregation given December 23, 1929;

(c) The rights mentioned in the circular Letters of the same Sacred Congregation dated July 1, 1932, *de relatione causarum matrimonialium quotannis eidem Sacrae Congregationi mittenda*; also the rights mentioned in Nos. IV and V of the Motu proprio *Qua cura* of Pope Pius XI (Dec. 8, 1938) *de ordinandis tribunalibus ecclesiasticis Italiae pro causis nullitatis matrimonii decidendis*.

III. No.

IV. No, saving recourse, while the matter is still entire (re adhuc *integra*), against the judgment of the Ordinary.

These answers our Holy Lord Pope Pius XII, in an audience of July 7 given to the undersigned secretary, graciously deigned to approve and confirm.

Given at Rome, from the Vatican City, July 8, 1940.

CARD. M. MASSIMI, *President.*  
J. BRUNO, *Secretary.*

# "Thought it no Robbery to be Equal with God"

"The Great Christological Text" is the heading of Father Prat's chapter dealing with Philippians 2, 5-11, a passage which he describes as "la formule la plus précise et la plus achevée de la christologie paulinienne." Yet one phrase in this passage (cited as our title) has led to a vast amount of learned discussion: so that Father Rickaby thinks ἀρπαγμός the most famous word in the New Testament, and Father Lattey says "ink has been poured out on it like water!"

What does it mean?

Rheims (1582) translated it: "thought it no robbery himself to be equal to God," and this is substantially the rendering in all English Versions from Wyclif down to modern times. The Revised Version (1881) broke away from the tradition. It reads: "Counted it not a prize to be on an equality with God." The Westminster Version: "Though he was by nature God, yet did not set great store on an equality with God." And this way of understanding ἀρπαγμόν seems to be now pretty generally accepted by prominent scholars both Catholic and non-Catholic.

It may be useful to review the reasons that have led to this change of translation and estimate their value.

Bishop Lightfoot discussed the matter at length in his *Philippians*,\* and I think his authority has been a decisive factor in bringing about such general acceptance of the view that ἀρπαγμός here means a prize or treasure to be grasped, rather than an act of robbery or usurpation. His *Philippians* was published in 1868: and as he was a member of the New Testament Company of Revisers 1870-1880, I think it is safe to say that the change of translation in the Revised Version is due to him.

## THE CONTEXT.

Paul has been exhorting his beloved Philippian converts to great union and charity, which must be based on humility: and he now supplies the motive, namely, the example of the Master; who though He was actually a divine Person, so humbled Himself that He appeared on earth as an ordinary man, one of ourselves, subject to obedience like the rest of men.

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\*I cite Lightfoot's *Philippians* 1927 reprint (12th edit.).

The modern "Douay" renders the passage thus:

"Let this mind be in you which was also in Christ Jesus: who being in the form of God thought it not robbery to be equal with God: but emptied himself, taking the form of a servant, being made in the likeness of men."

The Westminster Version thus:

"Let this mind be in you which was also in Christ Jesus. For he, though he was by nature God, yet did not set great store on his equality with God: rather he emptied himself by taking the nature of a slave and becoming like unto men."

In Father Merk's Greek Text: ὃς ἐν μορφῇ Θεοῦ ὑπάρχων οὐχ ἀρπαγμὸν ἡγήσατο τὸ εἶναι ἵστα Θεῷ ἀλλὰ ἔστιν ἐκένωσεν μορφὴν δυόλου λαβών. The discussion turns on the meaning to be given in this passage to the rare word ἀρπαγμός.

Two lines of investigation may be considered:

- (1) Does Greek usage justify taking ἀρπαγμός either *actively* (as in Douay) robbery, rapine, usurpation; or *passively* (as in Westminster Version and Revised Version), booty *res raptæ*, prize, windfall, *res rapienda*? About this something will be said later. (See additional note below).
- (2) Presuming that either usage is permissible, what meaning did Paul mean to convey by the words οὐχ ἀρπαγμὸν ἡγήσατο τὸ εἶναι ἵστα Θεῷ? Does he mean that Christ claimed equality with God as *his inherent right*; or that he thought he *should disregard* that equality when he became man?

As Lightfoot (136) says:

"These two interpretations are directly opposed, inasmuch as the one expresses Our Lord's *assertion*, the other His *cession* of the rights pertaining to His divine majesty."

But which is correct? The means available for deciding are the internal evidence of the passage itself—the context, grammar, suitability of meaning—and the external authority of the Fathers who have discussed the passage.

Bishop Lightfoot follows both lines of argument, and since his authority has influenced so many others, we may review his reasons for adopting the second of the two interpretations given above.

#### FIRST INTERPRETATION.

According to the first view (as in Rheims Version "thought it no robbery") the passage may be thus paraphrased:

Jesus Christ pre-existing in the divine nature, thought it no usurpation (but His inherent right) to be (as man) on

an equality with God—but he renounced this right by becoming man (without any display of divine glory) and taking the form of a slave.

Now Lightfoot says this makes οὐχ ἀρπαγμὸν ἡγήσατο a continuation and expansion of the idea already contained in ἐν μορφῇ Θεοῦ ὑπάρχων.

But the “equality” to which Christ saw He had a right and which He was prepared to renounce, was not His *intrinsic* equality as Divine Person with the other Persons of the Trinity: but the equality of glory and honour to which *when He became Man* He would have a right. οὐχ ἀρπαγμὸν ἡγήσατο is not a mere repetition of the preceding clause, but a deduction from it. Since Jesus Christ pre-existed as God, He had a right when He became man to all the external glory belonging to a divine Person. But He renounced this right and so came on earth not as the supreme King displaying His glory and majesty (as He will at the Last Judgment) but as an ordinary man living in subjection like ourselves.

Father Rickaby thus explains:

The statement (“being on an equality with God”) does not regard the relation of the Eternal Son to the Eternal Father, but of the state and condition on earth which the Word Incarnate chose for himself as Man.

And Father de la Taille (Myst. Fidei 171 note):

Christ’s emptying of Himself did not consist precisely in becoming man (for He is still Man and yet not in a state of *exinanitio*), but in His being deprived of the *state of glory naturally due to Him because He is God*.

#### FURTHER CRITICISM.

Lightfoot’s fuller comments on this interpretation are as follows:

“If ἀρπαγμός is taken to mean “robbery,” the expression asserts that equality with God was the natural possession, the inherent right of Our Lord. This interpretation suits the words themselves well enough when isolated from their context, and so far is free from objection. But it takes no account of the clauses which immediately precede and follow.

1. The Apostle is enforcing the duty of humility and when he adds “have the mind which was in Jesus Christ” we expect this appeal to be followed immediately by a reference—not to the *right* which He *claimed*, but to the dignity which he *renounced*. The dislocation of thought caused by this interpretation is apparent: “Be ye humble like Christ who partaking of the divine Nature claimed

equality with God." The mention of Our Lord's condescension is thus postponed too late in the sentence. Certainly stated thus the sentence sounds strange. But it omits the vital word on which Paul's argument rests: ἐκένωσεν. It should run: "Be humble like Christ who partaking of the divine nature, claimed equality with God yet emptied Himself taking the form of a slave."

Why should ἐκένωσεν be regarded as coming too late in the sentence when the short intervening clause serves to emphasize the greatness of Christ's act of renunciation? "He who had a right to be on an equality with God actually renounced that right for our sake."

Lightfoot continues:

This interpretation wholly disregards the connection with words following. For in the expression οὐχ ἀρπαγμὸν ἡγήσατο..ἀλλὰ ἔσωτὸν ἐκένωσεν, its particles οὐχ and ἀλλὰ obviously correspond: "not the one *but* the other," so that ἐκένωσεν ἔσωτὸν must contain the idea which directly contrasts with ἀρπαγμὸν ἡγήσατο. On the other hand the interpretation in question makes ἀλλὰ equivalent to ἀλλ' ὅμως. Besides being unnatural in itself after οὐχ this interpretation fails entirely to explain the emphatic position of ἀρπαγμόν.

#### COMMENT.

I think that not one of these contentions can be sustained:

1. οὐχ goes closely with ἀρπαγμόν "Thought it *no robbery*." The contrast here introduced by ἀλλά is not that of directly opposing ideas ("did not keep but gave away") but of one idea contrasted with and emphasised by another ("but still"). ἀλλά in this sense ἀλλ' ὅμως is very common. In this very chapter we have (2<sup>27</sup>) "He was sick nigh unto death but ( ἀλλά ) God had mercy on him. 2 Cor., 13<sup>4</sup>, "He was crucified through weakness yet ( ἀλλά ) he liveth through the power of God." John, 11<sup>41</sup>, "I knew thou dost always hear me, but because of the multitude I have said it." This last seems an exact parallel: "Although I knew . . . still I said." So in our passage: *Although* Christ thought He had a right (as man) to be on an equality with God, *still* He renounced this right. See also I Cor., 10<sup>23</sup>, 2 Cor. 13<sup>4</sup>, John 12<sup>3</sup>, 12<sup>42</sup>, 16<sup>22-23</sup>, etc. Lightfoot means (I presume) that ἀλλά in the sense ἀλλ' ὅμως ("but still") is unnatural after οὐχ. This might be urged if the sequence were simply "He did not think it robbery but justice to be on an *equality with God*. But it is not. What Paul states is: "Christ thought it no robbery (but His inherent right) to claim equality with God, nevertheless He renounced this claim."

2. "Fails to explain the emphatic position of ἀρπαγμὸν." We think, on the contrary, that this interpretation places strong emphasis on the word ἀρπαγμὸν. "Because Christ's equality with God was *no usurpation* (was His by inherent right) therefore His renunciation was such a stupendous act of condescension." In the other interpretation οὐχ ἀρπ. ἡγήσατο serves to introduce and explain ἐξυπήν ἐκένωσεν, and is not specially emphatic.

### SECOND INTERPRETATION.

Now let us examine the other interpretation, defended by Lightfoot: "Counted it not a prize to be on an equality with God" (R.V.). He explains:

"Though Christ pre-existed in the form of God, yet He did not look upon equality with God as a prize which must not slip from His grasp, but He emptied Himself," etc.

Others render it somewhat differently:

"Did not set great store on His equality with God" (W.V.). "Did not value His equality with God so highly as to refuse to humble Himself for our sake" (Knabenbauer).

### COMMENT.

1. But surely Christ *did* set great store on this equality? Else why should His renunciation be regarded as a wonderful act of humility and self-sacrifice? It was the restoration of this glory (in reward for His humble obedience unto death) that constituted His exaltation as described in Phil. 2<sup>o</sup>. Just because Christ set such store on the glory to which He in His human nature had a right, this emptying of Himself (by renouncing this glory) was such a proof of His love.
2. Again, even if ἀρπαγμὸν ἡγεῖσθαι could mean "to regard something as a treasure or prize worth securing"—can it convey the idea "to think one should *not* seize a certain good thing, *even though* one regard it as a prize well worth having"; which is really the sense required according to Lightfoot's exegesis? Take these two statements:—
  - (a) Newman thought an Oriel Fellowship a valuable prize well worth having.
  - (b) Newman thought that he himself should try to secure (grasp) this prize.

The affirmation or denial of (a) does not necessarily involve the affirmation or denial of (b). And if I wished to state that New-

man thought—for some special reason—that he should *not* try to win the Fellowship no matter how much his heart was set upon it, would I express this by saying: Newman did not “set great store on an Oriel Fellowship”? or “counted it not a prize to be a fellow of Oriel”?

3. Moreover the expression “did not regard it as a prize, a treasure to be clutched and retained at all hazards” (Lightfoot), seems an unsuitable one to apply to Christ’s attitude towards the glory of His humanity. Since Christ, being God, has an inherent right to share the divine glory, can that glory be called “a prize” for him to clutch or grasp at? A man who is heir to an estate does not “clutch at it as a prize” when he enters into possession of his property. If Christ had come as Man displaying all the glory which was His by right, He could in no sense be said to have “seized” (*ἀπάτησεν*) that glory. How then can that glory be suitably called “a treasure to be clutched and retained at all hazards”?
4. Further we may note that this interpretation really robs *ἀλλα* of its adversative force. If Christ did not regard equality with God as a prize (or “set no great store upon it”), then His act of surrender would not be in direct contrast to this state of mind, but the natural outcome of it. It should run:—“Christ did not regard equality as a prize to be seized, *and so* He resigned it.” But *ἀλλα* would not be the right word to express this.
5. In the passage thus interpreted there is no definite statement—such as one would expect—of Christ’s inherent right as Man to the “state of glory naturally due to Him because He is God” which He surrendered and the surrender of which was proof of the generosity and unselfishness which the Philippians are asked to imitate. Although it may be inferred from the first phrase “Being in the form of God,” still that refers to Christ the Word in His divine nature, and says nothing explicitly about His rights as Man.

Nor can it be said that: “thought it not a prize to be on equality with God” *implies* His right to such equality. For according to Lightfoot’s exegesis (137) “ἀπαγχόνη γεισθαι” is equivalent to *έρμαυον γέισθαι* and refers to the *desirableness* of the possession or acquisition.” The words: “thought it not a prize to be equal” say nothing about His *right* to such equality—if they do not actually exclude it (as we suggested above).

Anyhow one expects here more than a mere suggestion of Christ's right as Man to the glory He surrendered. We look for a definite statement such as is given in the first interpretation "regarding equality with God as His right He renounced it for our sake."

6. It might be objected that the second interpretation explains better the connection with Paul's words "Let each look not (merely) to his own interests but also to those of others. Let that mind be in you which was also in Christ Jesus." (W.V., 4-5); since Christ's *mind* is expressed in ἡγήσατο (He thought): therefore that clause must contain an expression of Christ's humility (willingness to sacrifice His glory) rather than of His claiming that glory. Superficially this might seem so. But in reality Paul is not urging the Philippians to "set no store upon" their own interests (hence Westminster Version inserts "merely"), but to be ready to sacrifice them for the sake of others, as Christ did. His interior dispositions are revealed to us not by the words οὐχ ἀρ. ἡγήσατο but in the following clause: "He emptied Himself . . . humbling Himself to the death of the Cross." It is Christ's *earthly* career Paul bids the Philippians to contemplate, to learn from it the "mind" of Christ—the charity and unselfishness they are asked to imitate.

From this review of the internal arguments it seems to follow that the correct exegesis is that which emphasizes the justice of Christ's claim to share in the divine glory in His human nature rather than His willingness to waive that claim, and that the change to "thought it not a prize," introduced in the Revised Version in 1881 was not a happy one.

I add the following from a letter of my friend Dr. W. Leonard, the learned Scripture Professor of St. Patrick's College, Manly:—

"It seems to me that the context must be the supreme consideration in the exegesis of the passage. I set down the following commentative arrangement, which is altogether in harmony with your view.

1. Τοῦτο φρονεῖτε ἐν ὑμῖν δ καὶ ἐν Χριστῷ Ἰησοῦ
2. δεῖς ἐν μορφῇ Θεοῦ ὑπάρχων
3. οὐχ ἀρπαγμὸν ἡγήσατο τό εἶναι ἵστα Θεῷ
4. ἀλλὰ ἔσωτὸν ἔκένωσεν
5. μορφὴν δούλου λαβών,
6. ἐν δομοιώματι ἀνθρώπων γενόμενος.
7. καὶ σχήματι εὑρηθεὶς ὡς ἀνθρώπος
8. ἔταπείνωσεν ἔσωτὸν
9. γενόμενος ὑπέρκους μεγάλοι Θυγάτεροι, θησαύρου δὲ σπλέγει.

It seems to me that the above arrangement represents the movement of St. Paul's thoughts. Line 3 is logically construed with 2, Christ's right to equal treatment with God being the consequence of His essential divine character. Τὸ εἰναι ἵσα Θεῷ means to be on parity of honour and homage with God—*pariari Deo* as Tertullian accurately translates it. (adv. Marc. 5<sup>20</sup>). This *pariari Deo* Christ necessarily reputed οὐχ ἀρπαγμόν. The self humiliation of Christ is concentrated in two verbs ἐκένωσεν and ἐταπείνωσεν.

In chiastic wise "He emptied Himself" goes closely with the preceding phrase: He emptied or deprived Himself of what He could claim as His very own, namely, divine honours. μωρῷν δούλου λαβών takes us back to ἐν μωρῷ θεοῦ ὑπάρχων ; and ἐν ὅμοιώματι κτλ. is added as a development."

#### ADDITIONAL NOTE.

Lightfoot's contention that ἀρπαγμός as a rule is used passively like ἀρπαγή ("the more usual form of the word is ἀρπαγμα," page 111) and that ἀρπαγμὸν ἡγεῖσθαι "as a recognised phrase is equivalent to ἔρμαν ἡγεῖσθαι 137" does not seem to be supported by actual usage or by analogy.

(1) *Usage.* For the passive sense (booty, spoil, prize). Only two passages of the 4th and 5th centuries respectively—are cited, whereas for the active sense (robbery, act of seizing) we have two from Plutarch—a younger contemporary of St. Paul—and two from second century writers, as follows:—

#### *Active Sense:*

*Plutarch: Moralia 12 A.* (Loeb translates "kidnapping"), do. *Sympos.* 644A. (in Attic form ἀρπασμός "grabbing").

*Vettius Valens* (2nd Cent. A.D.), classified as active by new Lid-Scott. ἀρπαγμὸς ἔσται δὲ γάμος "The marriage will be one of force."

*Phrynicus* (2nd. Cent. A.D.) equates ἀρπαγμός with ἀρπασμός

#### *Passive Sense:*

*Eusebius*: (330 A.D.) in *Luc. VI* (*Mai. Nova Bibl. Patrum* 1<sup>67</sup>), "Peter regarded death on the Cross as a *happy lot* (prize)."

*Cyril Alex.* (430 A.D.):

de ador. 1<sup>25</sup> (M 68<sup>171</sup>).

"Lot did not regard the angels' refusal (of his hospitality) as something to be eagerly accepted".

A citation in *Catena Possimi* (Jesuit, died 1686) is from a late "anonymous writer" (says Lightfoot) and of little authority. οὐκ ἔστιν ἀρπαγμός τὸ τιμῆν. "Worldly honour is not a thing to set our hearts upon."

(2) *Analogy.*

Moulton-Milligan Vocabulary, Page 70, gives a list of words in *-μος* parallel to *ἀρπαγμός* in formation, found in the New Testament. And whilst six are passive, by far the *larger number* (forty or more) denote the *action* of the verb.

Again Bloomfield (Phil 2, 6) says “after carefully examining all the words in *-γμος* (about a hundred) I find scarcely any instance of words in *-γμος* being put for the cognate form in *-γμα* when that form has a passive sense.”

Meyer (Phil. 2<sup>6</sup>) “The ideas, ‘spoil, booty,’ occur in countless instances in all Greek authors and in LXX, and are variously expressed (*ἀρπαγή*, *ἀρπαγμα*) but *never* by *ἀρπαγμός* or any other form of word ending with *μος*”

Hence all the available evidence as to the usage of writers nearest to St. Paul’s time (Plutarch was 20 when St. Paul died), as well as the analogy of similarly formed words in the New Testament and elsewhere, tend to confirm the view that Paul used *ἀρπαγμός* in its active sense.

## II. THE EXTERNAL EVIDENCE.

Lightfoot (135) asserts that his interpretation of Phil. 2<sup>6</sup> (“did not regard equality with God as a treasure to be clutched and retained at all hazards”) is the “*almost universal* interpretation of the Greek Fathers, who would have the most lively sense of the requirements of the language.” In support of this statement he cites besides a passage from a letter of the Churches of Gaul (180 A.D.) eight other writers: Origen, Methodius, Eusebius, Theodore of Mopsuestia, Theodore, pseudo-Athanasius, Isidore of Pelusium, and Cyril of Alexandria.

At the first glance this seems hardly a representative list on which to base the sweeping statement above. One naturally asks: What about Irenaeus, Clement, Athanasius, Basil, Gregory Nazianzen, John Chrysostom? What did they think? Furthermore, a closer inspection of the passages cited will reveal (as I hope to show) that six at least of these writers do not support Lightfoot’s contention.

One of the pieces referred to (Pseudo-Athanasius) is probably spurious, a rambling production which it is surprising to find quoted as representing the opinion of the “Fathers.”

## LETTER FROM GAUL.

The following extract from an Epistle of the Churches of Gaul, describing the sufferings of the Martyrs is given in Eusebius H.E. 5<sup>2</sup> (Kirsoff Lake’s version, Loeb<sup>37</sup>):

"They carried so far their zeal and imitation of Christ, who, "being in the form of God, thought it not robbery to be equal with God" that though they had testified many times . . . and were covered with wounds, they neither proclaimed themselves as martyrs nor allowed us to address them by this title."

Lightfoot says that the writers of this letter are praising the humility of these martyrs, and that in quoting Phil. 2<sup>6</sup> ("who being in the form of God, thought it not ἀρναγμένον to be on equality with God") they evidently think this passage to contain in itself a statement of His condescension. But the letter is not here praisng the martyrs' *humility* (the word is not here mentioned)—but their intense *desire to imitate Christ in His death*. They refused to accept the title "Martyr" because though they had suffered much they had not *died* for Him and so had not perfectly imitated Him. Their refusal of the title is evidence not of their humility, but of their eagerness to be perfect imitators of Christ the Martyr. How could they, by rejecting a title to which they had *no* right, emulate the humility of Christ who renounced a glory to which He had *every* right?

The real reason for quoting Phil. 2<sup>6</sup> (rightly translated by Kirsopp Lake above) is that it gives the explanation for their eagerness to be like Christ—namely, His Divine Dignity, because He was God and claimed equality with God.

Obviously the thought of these sufferers was concentrated not precisely on that renunciation of divine glory which took place at the *Incarnation*, but on the splendid heroism of the death which He—though He was God—died on the cross, and which they would imitate if they too died as martyrs.

They aim at emulating not the act of Christ's *divine* Will by which He emptied Himself and became Man, but the act of His *human* Will by which He laid down His life as a Martyr for Truth.

This letter then (which may possibly represent the mind of Irenaeus, then Bishop of Lugdunum) in no way supports Lightfoot's interpretation.

#### TESTIMONY OF THE FATHERS.

Leaving aside Origen, Theodore, and Theodoret (who seem to favour the second interpretation) let us take the other authors chronologically. The earliest is *Methodius* (Bishop of Olympus in Lycia, died 311 A.D.), Frag. (Migne. 13<sup>345</sup>).

"Such a wonderful and enviable thing is Martyrdom that the Lord Himself, the Son of God, honoured it by undergoing it—He who regarded equality with God as His right. He wished with this grace also to crown Man, for whose sake He came down on earth."

Surely this is the right meaning. Christ, *fully conscious of His divine dignity*, submitted to death to give testimony to the Truth. What higher glorification of Martyrdom could be imagined? What point would there be in saying (with Lightfoot): "He submitted to martyrdom, not thinking equality with God a thing to clutch at." It was at His Incarnation that Christ renounced the glory of this divine equality—as Paul says, "He emptied Himself *taking the form of a slave.*"

To say "Christ died a Martyr—thinking He should resign His equality with God" (which He had already done years before) seems an incongruous rendering compared with: "Christ faced the infamy of death on the Cross, although He knew He should be adored as God."

Hence I think Methodius clearly favours the first interpretation.

#### EUSEBIUS.

Three citations are given from *Eusebius* of Caesarea (C. 340 A.D.)—not one of which clearly supports Lightfoot's interpretation. *Eclogae Propheticae*, lib. 3, 4. (Migne 22<sup>127</sup>).

"Christ rose from the dead appointed by the Father as King of the heavenly Mount Sion and in His own Kingdom became poor, regarding equality with God as no ἀπάγμαν yet humbling Himself," etc.

Put "usurpation" for ἀπάγμαν and it will be seen to suit the context perfectly. "Christ the King of Glory put aside His Royalty and became poor. Regarding equality with God as no usurpation, yet humbling Himself for our sakes."

(Lightfoot says that this passage "unmistakeably" supports his view!)

#### *De Ecclesiastica Theologia* 1<sup>13</sup> (M. 24<sup>852</sup>).

"Christ . . . sharing the divinity of the Father's glory in no way ( οὐ μὴν ) regarding equality with God as a usurpation, now ( δ'οὖν ) having emptied Himself and taken the form of a slave, humbled Himself, becoming obedient unto death."

δ'οὖν marks the "apodosis"—the definite statement of Christ's act of condescension ( ἐξένωσεν ἔχυτόν ) after a long preliminary

description of His divine dignity in His pre-existence. (For δοῦλον following οὐδεὶς see Thucyd., 1<sup>3</sup>).

*Again* 1<sup>20</sup> (M. 24<sup>884</sup>) To prove that Jesus Christ was a distinct Person before the Incarnation, Eusebius argues:

If Christ were not a distinct Person, how could He be said to pre-exist in the form of God (as in Phil. 2<sup>5</sup>) or to think it no robbery to be on an equality with God, or to humble Himself to obedience?

None of these passages requires or suggests Lightfoot's interpretation.

CYRIL OF ALEXANDRIA (444 A.D.), C. Julianum VI (M. 76<sup>997</sup>).

The passage runs thus:

Our Saviour, although He might have appeared (as Man) in all the glory of the Father and displayed His majesty on the throne of the divinity, did not regard equality with God as usurpation—yet emptied Himself taking the form of a slave."

The emphasis is on ἐκένωσεν.

The phrase οὐχ ἀρπαγμον ἦν sums up the preceding statement of the glory to which Jesus Christ had a right and which He sacrificed for our sake.

ISIDORE OF PELUSIUM (c. 450 A.D.), Epist. lib. IV, 22 (M. 78<sup>1072</sup>).

"If Christ had regarded equality with the Father as something found by chance—a windfall (*ἔρματον*) offered Him, He would not have humbled Himself, lest by such subservience (*ὑπερίσσεια* i.e., *ὑπερησία*) He might prejudice His divinity. Like a manumitted slave, afraid to work lest he compromise his new found importance."

From the use here made of *ἔρματον* (a "god-send," a "windfall") Lightfoot concludes—wrongly I think—that this passage supports his interpretation. Note that *ἔρματον* has two connotations:

(a) an *unexpected* gift—something to which one had no previous *right*.

(b) a *valuable* gift—which one should seize on eagerly.

Thus if I say: "The Prince of Wales did not regard the English throne as a prize," this might mean either:

(a) Not as a prize, but as something to which he had a right by birth; or

- (b) Not as a prize to be eagerly grasped, but as something to be surrendered (in order to secure a better prize).

The first states that the Prince knew he was the Heir Apparent to the throne—the second that he was thinking of renouncing this dignity. These are obviously two very different statements.

Now the whole context shows that Isidore is using ἔρματον in sense (a) whereas Lightfoot tries to interpret in sense (b) the sense he himself favours in Phil. 2<sup>6</sup>. Thus he says (137), “The phrase ἔρματον ἡγεῖσθαι refers to the desirableness of the possession or acquisition.” Isidore’s argument is: If Christ were not equal to the Father, His act of renunciation of this equality would not be an act of humility—as Paul asserts it was. Had Christ regarded this equality as a ἔρματον (and so *not His own by right*) He would not have humbled Himself. Hence the fact that He did humble Himself is a proof that He claimed equality with the Father. For Isidore as for Chrysostom (whom Isidore admired and defended) the phrase οὐχ ἀρπαγμὸν ἡγέρσατο is a statement of Christ’s *inherent right* to equality with God, *not* of His intention to renounce it—that is, both support the first interpretation, not that of Lightfoot.

PSEUDO-ATHANASIUS: Homily *de Semente*, M. 28<sup>153</sup>.

This discourse—wrongly attributed to Athanasius, simply quotes Phil. 2<sup>6-7</sup> (οὐχ ἀρπαγμὸν το μορφὴν δούλου λαβών.) as proof of Christ’s patience and humility.

Of the eight passages we have examined, the first two (letter from Gaul and Methodius) seem definitely to exclude Lightfoot’s interpretation, the other six admit the first interpretation at least equally well.

### CHYSOSTOM.

Now a word about *St. John Chrysostom* who, says Lightfoot, maintained a middle interpretation which

agrees very nearly with the first in the sense assigned to ἀρπαγμός and yet approaches to the second in the general drift of the clause. “Being in the form of God, He did not consider that He was plundering when He claimed equality with God. He did not therefore look upon His divine prerogatives as a booty of which He feared to be deprived and which therefore it was necessary to guard jealously.”

Chrysostom, arguing against those who deny Christ’s divinity (see beginning of Homily VI) proves from Phil. 2<sup>6</sup> that His renunciation of equality with God was a real act of humility just because He knew

He had an *inherent right* to this equality. (See Migne. 62<sup>229</sup> for following short citations):

"The Son of God feared not to descend from His dignity ( $\alpha\zeta\iota\omegaμα$ ) for He did not regard divinity as  $\dot{\alpha}\rho\pi\alphaγμον$  (usurpation). He was not afraid lest someone might deprive Him of that divine nature or dignity. . . .

Paul said  $\text{οὐχ } \dot{\alpha}\rho\pi\alphaγμὸν \dot{\eta}\gamma\acute{\eta}\sigma\alphaτο$  because Christ possessed that position (equality with God) *not by robbery*  $\text{σὺχ } \dot{\alpha}\rho\pi\acute{\alpha}\sigma\alphaς$  but *as His by nature*. . . .

The tyrant fears to put off the Purple Robe in war, the king does so in all security. Why? Because the latter holds his authority not as  $\dot{\alpha}\rho\pi\alphaγμὸν$  (usurped). . . .

This equality with God Christ had not as usurped but *as His own by nature*. Therefore He emptied Himself.  $\tau\acute{\alpha}\sigma\acute{\iota}\tau\acute{o} \tau\acute{o} \acute{e}l\acute{v}ai \acute{i}σ\acute{a} \theta\acute{e}\phi \text{ ων } \dot{\alpha}\rho\pi\alphaγμὸν \acute{e}l\acute{c}he \dot{\alpha}\ll\acute{a} \varphi\acute{u}σ\acute{u}k\acute{o}n, \delta\acute{u}o \acute{e}\acute{k}\acute{e}n\acute{u}w\acute{a}se\acute{v}$   $\acute{e}\acute{x}\acute{u}t\acute{o}n.$

Can there be any doubt about Chrysostom's interpretation of  $\text{οὐχ } \dot{\alpha}\rho\pi\alphaγμὸν \dot{\eta}\gamma\acute{\eta}\sigma\alphaτο}$ ? He always regards it as a statement of Christ's claim to equality with God *by nature*, never as expressing or suggesting His *desire to cede* His right to that equality.

How then can it be maintained that he "approaches" this second interpretation in the general drift of the clause?

A couple of other Greek Fathers who favour (as I believe) the first interpretation, Lightfoot dismisses as "not clear." Thus Basil C. Eunom. (M. 29<sup>208</sup>):

"Since the Son thought it not  $\dot{\alpha}\rho\pi\alphaγμον$  to be equal with God, how can He be said to be unlike Him and unequal to Him?"

Didymus M. 39<sup>209</sup>. From his words: "Christ did not seize  $\dot{\eta}\acute{\rho}\pi\acute{a}s\acute{e}v$  equality," it seems clear that he understood  $\dot{\alpha}\rho\pi\alphaγμος$  actively.

After reviewing all these various passages it is difficult to understand how Lightfoot can state that his view is the "almost universal interpretation of the Greek Fathers"; that the other interpretation "is unsupported by a single Greek Father (unless possibly at a very late date)," and that "through the controversies of the 4th and 5th centuries it never occurred to any Greek Father to put forward the other (first) explanation of the passage, though so eminently favourable to the orthodox belief."

#### LATIN FATHERS.

Lightfoot admits that the Latin Fathers are against him—especially St. Augustine, whose great influence was (he thinks) responsible for the wide acceptance of the first interpretation. But he tries to show that there are exceptions.

"Some of the most acute and learned of the Latin Fathers explain it in the same way (as the Greek Fathers)."

For this strong statement he cites three writers, one (Hilary) who "perhaps" supports it, Jerome "more clearly," and "probably" Victorinus, whose language however is "not distinct." And on examination it will be found (I think) that not one of them really admits his exegesis!

....Hilary de Trin. 8<sup>45</sup> (M. 10<sup>270</sup>) "Non sibi rapiens esse se aequalem Deo . . . non tamen aequalem se Deo per rapinam existimans." If this is compared with Contra Constantium (M 10<sup>596</sup>) "non rapit quod erat Christus," it will be seen that the meaning is: Christ did not seize (unjustly)—or "did not think it an injustice—that He should be equal to God." What else can the phrase mean: "Non aequalem se Deo *per rapinam* existimans"?

*St. Jerome* in three places (M. 22<sup>996</sup>, 26<sup>379-408</sup>) cites the passage Phil. 2<sup>6</sup> without comment, and the context nowhere demands the second interpretation.

*Victorinus* on Philip. (M. 8<sup>1207</sup>). I wish Lightfoot had translated this rather obscure passage:

Non, inquit (Paulus), Christus rapinam credidit, id est  
hoc sibi vindicavit, tantum habere voluit, ut forma Dei esset,  
sed etiam se ipsum exinanivit."

It seems to mean:

Christ did not think it unjust that He be the Form of God  
—that is, He claimed this as His right, even so much He  
wished to have—but still He emptied Himself, etc.

(In the preceding passage he has explained what he meant by the "Form of" God—which Christ is).

If this is correct it clearly supports the first interpretation.

### CONCLUSION.

To sum up. This rapid review of Patristic passages cited by Lightfoot seems to show that there is really no foundation for his statement that all the Greek and some of the best of the Latin Fathers support his interpretation of Phil. 2<sup>6</sup>. And so the weight of both the internal and external argument is against him: and the true analysis of the words οὐκ ἀπεπάθει τὴν δύναμην τὸ εἶναι τὸ Θεῖον is that which finds in them a statement of Christ's consciousness of His inherent right to share that Divine Glory which for love of us He laid aside when He came amongst us—one of ourselves—like to us in all things except sin.

# Moral Theology and Canon Law

## THE PRINCIPLE OF POSSESSION IN MORAL THEOLOGY.

The members of the Clergy of Australasia are deeply indebted to Right Reverend Monsignor Nevin for his sound and brilliant contributions to the *A.C.R.*

It is certainly not my intention to formally controvert his solution of the two queries proposed by "Doubtful" in the October issue of the *Record*.

My object is to set forth the value and efficiency of the Principle of Possession, which holds a pivotal position in the system of Moral Theology sponsored by Saint Alphonsus.

Dr. Nevin, it is true, anticipates the rejoinder of the Equiprobabilist to his application of the principles of Probabilism in the "Cases" submitted to him.

However, it may prove interesting to your readers to know the mind of Saint Alphonsus as interpreted by Gaude, Aertnys-Damen, and Marc, the accredited exponents of the Saint's system of Moral Theology.

### Summary:

(1) The extension of the Principle of Possession to the entire sphere of Moral Theology.

(2) This extension is supported by distinguished Theologians of the Equiprobabilist and Probabilist Schools.

(3) Equiprobabilist solution of the queries proposed by "Doubtful" in the October issue of the *A.C.R.*

(4) The approval given by the Church to the system of Saint Alphonsus necessarily reacts upon its basic principle—the Principle of Possession.

### (I).

Possession in law is so well known that there are few who have not heard the stock phrase:—"Possession is nine points of the law." The advantages arising from possession are so important that lawyers have placed it among the legal beatitudes:—*Beati Possidentes*: 'Blessed are they who are in possession.' Possession in good faith is protected by law, so that the possessor cannot be disturbed any more than a real owner, in the enjoyment of his property. His right to possession is valid against everyone who cannot claim real ownership. St. Alphonsus

discusses the question whether it is sufficient for a claimant to prove a *better title*, and he answers in the negative, because:—"Possessio est *jus certum retinendi contra quod non praevalit nisi certitudo.*" (L.I., 26).

The possession here spoken of is, of course, physical, or *de facto*, possession of real property; but this is not the only kind recognised by law. Possession has been extended to include certain *rights*, such as servitudes, easements, right-of-way, right to light, air, etc. The term quasi-possession was applied to these to distinguish them from physical possession. It is important to bear this in mind, for the principle of possession in Theology should be called quasi-possession as here, if we are to speak very correctly. It answers, moreover, the difficulty that naturally arises, of applying physical or *de facto* possession either to law or liberty.

#### (II).

The principle of possession belongs, strictly, to the matter of strict justice and the external forum, but for many centuries it has taken up its abode also in the domain of Moral Theology, and any attempt to dislodge it, or even disturb it, would be foredoomed to failure. It has come to stay. It has indisputable claims to its presence there, as we shall see.

St. Alphonsus writes:—"There are some who claim that the axiom, 'Melior est conditio possidentis,' is applicable only in the matter of justice, but not in others; but I answer:—'Sententiam oppositam esse communissimam.' " Here the Saint gives a list of seventeen theologians of the first rank, among them, Suarez, Lugo, Croix, Sporer, etc., and he adds:—"et alios complures *contra paucos*."

Moreover the principle was admitted and applied by all Probabilists. (Aertnys-Damen, I, 85).

The reasons for this consensus of opinion are admirably summed up by Fr. Slater:—

"Moralists have enlarged the meaning of the term 'possession,' so as to embrace not only the subject-matter of the virtue of justice, but that of all the other virtues as well. Thus with regard to the most general of all virtues, obedience, human liberty is said to be in possession if there is no law to restrict it; in other words, we are at liberty to do what is not forbidden by any law or command of a lawful superior. On the contrary, the law is in possession if it once existed, and there is

no reason to think that it has ceased to exist. In this case the law must be obeyed, for in doubt, the position of the possessor is better. This is quite a legitimate use of the term and principle of possession; it is in keeping with *natural reason* and *sound morality*. And indeed the subject matter of law and liberty is not so remote from that of justice as at first sight may appear. For have I not a right to the use of my liberty if it is not restricted by law? And rights come under the protection of justice. So that if it is right and proper that the possession of corporal things should be protected, is it not just that liberty should also be safeguarded?" (Princip. Theol. Mor. 50).

It will be noticed that Slater finds nothing "risky" in the use of the principle of possession outside of strict justice, but on the contrary, "it is in keeping with *natural reason* and *sound morality*." Practically the same language is used by one of the most brilliant of modern theologians, D'Annibale, who calls it in its application to law and liberty—"regula naturalis juris et aequitatis." (Th. Mor. I, 260). In order still further to confirm the doctrine laid down so clearly and convincingly by Slater, I will give here in brief what St. Alphonsus and Suarez have written on the subject. The latter writes:—"On account of any subsequent doubt, things must not be changed from the state in which they have been until now, for a doubt cannot possibly affect one side more than the other; I say, then, that he who after moral diligence remains doubtful whether he has made a vow is not bound to the observance of the vow. This is proved from the principle "*Melior est conditio possidentis*"; for he who thus doubts is in possession of his liberty. He is therefore in a better condition, and cannot be made subject to an obligation on account of doubt alone. They answer (the Probabiliorists) that that principle can be applied only to the matter of justice, and not to the other virtues—*sed hoc gratis asseritur*. No reason has been assigned why any difference should be made, nor can any reason be brought forward. The Regula Juris lays it down without any restriction whatever—"In pari causa potior est conditio possidentis." (S.L. IV, c. 5).

It would seem then, that the "good" positive doubt which Dr. Nevin speaks of as being in favour of having fulfilled the law, is, according to Suarez, a "good" positive doubt at the same time "in favour" of the non-fulfilment of the law, and so leaves things where it found them. It will be noticed also that there is no question of applying the principle by analogy, on the contrary, there is no reason

for making any difference, and that everywhere, *in pari causa*, the condition of the possessor is the better.

The authority of St. Alphonsus is of the highest value on this question on account of his profound knowledge of law, and the scientific application of its principles. No one who has studied his celebrated "Dissertatio scholastico-moralis," which was inserted in the earlier editions of his Moral Theology, can fail to be convinced that the principle of possession has been placed by him beyond all doubt. Dr. Nevin in the October *Record*, p. 338, stresses the point that possession establishes in the civil courts at *most* a presumption. "In its own proper domain it establishes at most a presumption." St. Alphonsus, however, considers it does something more, namely:—"Possession gives to the possessor a special right, a *jus certum* in re, of which he cannot be deprived by the doubtful right of another. Clear proof of ownership will alone suffice. This certain right, moreover, places the *onus probandi* on the claimant. Hence the sense and power of the principle of possession is thus expressed:—"Jus certum antecedens non tollitur dubio postveniente, sed perseverat usquedum probetur ejusdem cessatio!" Consequently in case of *doubt*, for example, concerning the *existence* of a law, or whether the law extends to such a person, man is in possession of his liberty, clear proof of the *vinculum* of the law must be forthcoming, *melior est conditio possidentis, standum pro libertate.*"

Further on in the same dissertation he writes:—"There are some who endeavour to make light of (illud infirmare) the principle of possession, saying that it is of value only in the external forum. But as for me, I know not why it cannot be applied in all circumstances. *In every moral doubt* the only question there can be is this—*Is the law in possession or is liberty in possession?*" Now the condition of the possessor is *always* better. In case, therefore, the law is in possession, *standum pro lege*, but if liberty is in possession, *standum pro libertate.*"

Possession then must be reckoned with in the moral sphere. Whether law or liberty is in possession must be taken into consideration in every doubt. Any objections made against the principle arose from the attempt to equate it with physical possession. Correctly understood, and properly applied according to the rules laid down, for example, by Lehmkuhl, and in a word—*servata proportione*—all will agree with the summing-up of the position as given by Genicot-Sals-

mans :—"Undoubtedly applications of this principle properly made beget obligations in the internal forum." (I, 75).

### (III).

#### APPLICATIONS OF THE PRINCIPLE.

In answer to the following case, namely :—"A debt was certainly contracted; its liquidation problematical."

Dr. Nevin says :—

"The Probabilist says he has no obligation."

"The Equiprobabilist says he has."

Certainly the Probabilist ought to say he has no obligation, but does he?

(1) "The opinion which holds he has no obligation is rejected by very many even of the Probabilists themselves." (Aertnys-Damen, I, 860).

(2) Lehmkuhl, a Probabilist :—"The opinion that he has no obligation cannot be sustained by any solid reasons." (I, 1147).

(3) Vermeersch, a Probabilist :—"The common opinion holds (i.e., of Probabilists and Equiprobabilists alike) that he is bound to pay at least *pro rata dubii*." (II, 586).

(4) The opinion that he has no obligation is rejected as untenable by Lugo, Suarez, Ballerini, Vasquez, etc., and Marc adds, by many modern theologians.

The insufficiency of Probabilism as a system is clearly shown by cases of this kind. Although Fr. Davis maintains, "It is the merit of Probabilism that there are no exceptions whatever to its application"; (Vol. I, 96), yet he has to admit that many Probabilists refuse to apply its principles in matters of justice. (Vol. II, 293).

A second case mentioned in the *Record* is that of a Priest who doubts if he has said some part of the Office. Now such doubts in the case of a Priest who is anxious to fulfil his obligation to God and his conscience are, as a rule, *dubia lata*; for example: "He must have been nearer the end than the beginning of a certain Little Hour. He has a habit of putting a marker here or there"—in general a matter of not remembering or forgetting, etc. In cases of this kind the Priest would be well advised not to trouble himself about principles of Probabilism or Equiprobabilism, but to meet such doubts along good practical lines. St. Alphonsus (L. IV, 150) gives several rules of this kind. For example :—

(1) He acts wrongly (*perperam*) who, having a conjecture that he has said a certain part, repeats it, for this opens the way to scruples.

(2) He is well excused (*bene excusaris*) from repeating who does not remember having said some part, if he have a just conjecture for believing that he said it.

(3) The presumption that you are accustomed to finish what you have begun *etiamsi habeas probabilem rationem omissionis*, efficit ut nihil tenearis repetere.

But supposing that a way out is not found by means of such rules, and there is a question of the doubtful cessation of the law, here also the answer in the Record is,—The Probabilist says “No,” and the Equiprobabilist says “Yes.” The answer, however, that an Equiprobabilist would give, would be the following:—

*Per se*, yes, but *in practice, rarely, if ever*. In this case Equiprobabilist authors suggest several means of escape from the difficulty, so that Damen writes:—“Very often it will happen that one who has *probably* fulfilled the law will be bound to do nothing more.” (I, 110). Merkelbach, after a critical examination of Equiprobabilism says:—“In practice Equiprobabilists *very rarely* make use of the principle of possession *in favorem legis*.” (Vol. 2, 92).

#### (IV).

### APPROVAL OF MORAL SYSTEM OF ST. ALPHONSUS.

The first decree of the Holy See in favour of the Works of St. Alphonsus, although negative in form, as is customary, was, in reality, a true approval of all the Holy Doctor had written. But this was only the beginning. Later, his whole Moral System was subjected to a rigorous examination and the result was a unanimous verdict in its favour, approving of it as *sanum, tutum, probatum*. (S.C.R., May, 1807). In the year 1831, the following questions were submitted to Rome, from the Diocese of Besançon, in France:—

(1) “May a Professor adopt and teach the opinions of the Bl. Liguori?”

(2) “Is it necessary to interfere with a Confessor, who follows all the opinions of Bl. Liguori, without weighing the reasons on which the Author bases them?”

The Poenitentiaria replied:—

To the (1) Affirmative:

To the (2) Confessors were not to be disturbed who acted in accordance with the tenor of the petition. Pope Gregory XVI confirmed the decision, July 22nd, 1831. This decision is so exceptional as to be regarded as unique in the history of the Church.

The Church could scarcely give any higher praise to his Moral teaching than she has given in the Decree conferring on him the title of Doctor of the Church. Pope Pius IX on that occasion solemnly declared:—"Not only had he written against Jansenism and other heresy and mischief, and composed many ascetical works for the Christian training of Clergy and Laity, but by his Moral Theology he had opened a sure path between the too lax and too rigid opinions of Theologians—a path which all may follow without fear of going astray."

Such splendid testimonies, and from such a source, make the following conclusions abundantly clear:—

(1) That the Moral System of St. Alphonsus stands alone in having the full and formal approval of the Church.

(2) That as St. Alphonsus believed in, and made liberal use of the Principle of possession, its *right* in the Moral sphere can no longer be questioned. The Church herself has approved of it, by giving the highest possible sanction to the doctrine and moral teaching based upon it. Instead, then, of being a "mistaken procedure," "one likely to put the moral traveller on a wrong road," in the judgment of the Holy See and the Church, the moral traveller is quite safe if he follow the path traced out for him by St. Alphonsus—"a path that all may follow without fear of going astray."

Finally, controversies on Probabilism belong to an age that is past. No further progress can be made along that line. Moreover for all practical purposes, the technical points of difference between Probabilism and Equiprobabilism are of little account. All will cordially agree with the sentiments expressed by Fr. Slater, with which I conclude:—

"St. Alphonsus is recognised as the Doctor of Moral Theology, as St. Thomas is of Dogmatic. By his writings he drove out of the Church the last remnants of rigorism, and firmly established that *common doctrine* in Moral Theology which it has been the aim of the Author to expound in these volumes. There is still some difference of opinion between simple Probabilists and Equiprobabilists, but the dispute has little to do with practical Morals. *Moral Theology is still*

what St. Alphonsus left it. There is general agreement in the schools—a common doctrine which all accept." (*Slater, Short History of Moral Theology*).

T. F. ROCHE, C.SS.R.



### QUERIES.

#### *PAROCHUS PROPRIUS FOR MIXED MARRIAGES.*

Dear Rev. Sir,

Be good enough to deal with these questions in your next issue:

I. In the case of a Mixed Marriage, is the pastor of the place where the non-Catholic girl has a domicile, quasi-domicile, or month's residence, the *parochus proprius* of the marriage?

II. Assuming that the Catholic bridegroom has a domicile of his own, is it the pastor of the non-Catholic bride that normally is to give permission for the celebration of the marriage in a third parish where neither party has a *parochus proprius*?

III. In the case contemplated in II, is it to the pastor of the non-Catholic bride that the portion of the marriage fee is to be returned in keeping with the ruling of the recent Plenary Council?

CAROLUS.

### REPLY.

Before giving our direct replies to the above questions, we think it advisable to recall certain relative principles on which we have insisted a good deal from time to time<sup>1</sup>:

(1) In the matter of lawful officiating at marriage, the strict letter of the law gives no priority of right to the pastor of the bride over the pastor of the bridegroom. Both pastors are equally competent on any of the three titles of domicile, quasi-domicile, or month's residence of their respective subjects.

(2) As to giving permission for the celebration of a marriage in a third parish, the pastor of the bride, again, has no strict priority of right over the pastor of the bridegroom. The law says that a parish priest officiates lawfully at the marriage of strangers when he has the consent of the *parochus proprius* of the parties *or of one of them*.

(3) Though the two foregoing statements be unassailable in the strict letter of the law, still, as a *practical rule of conduct*, it is enacted that in every case marriages ought to be contracted in the presence of

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<sup>1</sup>Vide A.C.R., 1935, p. 261.

the parish priest of the bride unless some just cause excuses from this procedure. The cause has to be merely *just* (i.e. reasonable) and not necessarily very serious.

(4) It would follow from (3) that, as a rule, it is the permission of the pastor of the bride that ought to be sought and obtained when a man and woman from different parishes desire to be married in a third parish—unless, again, some just cause excuses from the rule.

(5) The Plenary Council, in the interest of equity, expressed a desire that, when a priest officiates at a marriage of strangers, he ought to return half the matrimonial fee to the pastor of the bride (Decree 476).

The questions raised by our correspondent amount to this: Do the rules mentioned in the above pars. (3), (4), and (5), apply even in the case where the bride is a baptized non-Catholic? Our reply is: Normally—yes. In greater detail we would add:

I. In some previous issues<sup>2</sup> we defended at some length the opinion that the rule contained in (3) applies in the case of Mixed Marriages in which the non-Catholic party is the bride. The law makes no distinction between Mixed Marriages and others, but uses the very general expression—*in quolibet casu*, and a decision given by the S. Cong. of the Sacraments in 1916 confirms this opinion. At the same time, it must be noted that any reasonable cause will justify the other procedure, namely, that the marriage be contracted before the pastor of the Catholic bridegroom.

II. The same line of argument will hold in this case, and, consequently, the permission for the contracting of the marriage in a third parish ought ordinarily be obtained from the pastor of the non-Catholic bride, but, of course, for any just cause the officiating pastor may be satisfied with the consent of the parish priest of the Catholic man. In fact, in at least one Australian diocese, there is a local regulation by which in the case of Mixed Marriages to be contracted at the Cathedral all the preliminaries of the marriage are to be arranged by the pastor of the Catholic party, be this either the man or the woman, and if any permission were necessary in such cases, it would naturally and reasonably be obtained from the same pastor.

III. When a Mixed Marriage is contracted in a parish where neither party has a *parochus proprius*, the ruling of the Plenary Coun-

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<sup>2</sup>Vide A.C.R. 1926, p. 48, 335; 1927, p. 42, 141.

cil to the effect that portion of the fee be returned to the pastor of the parties certainly applies. Our correspondent asks if the fee is to be returned to the pastor of the bride when she is the non-Catholic party. We have only to remark that the law does not make any distinction, and, consequently, neither ought we. It may seem more reasonable and equitable in this case to return it to the pastor of the Catholic man, and a custom to this effect would certainly be reasonable and legitimate. But unless there exist such custom or a ruling to the same effect from the competent authority, one can only say that the decree of the Plenary Council ought to be observed in the letter, and the fee returned to the pastor of the non-Catholic woman.

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#### GRAVE MATTER IN THEFT; WEEK-END HOLIDAYS WHICH ENTAIL OMISSION OF MASS.

Dear Rev. Sir,

Kindly discuss the following matters in your next issue of the *Record*:

I. Ordinarily, in estimating the gravity of a sin of theft, one takes into account the circumstances of the person who suffers the loss. Theologians say that a day's wages in the case of a working man is grave matter, and they give other standards for other categories of persons. But, apart from this relative standard, there is an absolute standard whereby the gravity is reckoned not so much from the injury done to any individual as from the harm done to society. By this absolute standard one can judge the gravity of a theft from persons possessed of considerable wealth, from a Company or from the State itself, and it varies with circumstances of time and place. What amount may be taken as the absolute standard of grave matter in this country?

II. Is there any justification for the conduct of Catholics who spend week-ends in places where the fulfilment of the obligation of hearing Mass is morally impossible? The case I have in mind is that of shop-assistants, clerks, etc., who spend five or six week-ends during the year in such places.

P.J.C.

#### REPLY.

I. Even prior to the economic and social upheaval that resulted from the last war, there was considerable disagreement among theologians as to the sum that constitutes serious matter in cases of theft.

The disagreement was noticeable principally concerning what is called absolutely grave matter where the question can be discussed as it were in the abstract, and more or less apart from the effects of concrete conditions. In the case of relatively grave matter, there is not very much scope for discussion, since the basis of reckoning what is grave matter under this aspect is the loss or inconvenience inflicted by the theft, which loss and inconvenience is in direct proportion to the limited means of the victim. As our correspondent remarks, it is generally held that to deprive an individual who has to work for his living of a day's wages is a very serious matter. It is the day's wage that must keep the family for a day. And as the family has to be maintained for seven days on the week's wages, it is considered that one-seventh of the weekly wage is relatively grave matter. With this general idea as a basis of calculation, there is fairly unanimous agreement that the following amounts express accurately enough the standards of relatively grave matter in reference to the various categories of men in our society: One shilling in the case of the very poor; six to eight shillings in the case of unskilled labourers; about ten shillings in the case of skilled workmen artisans, and tradesmen; twenty shillings from the moderately rich; and absolutely grave matter in the case of the very wealthy, companies, and the State itself.

The need of determining a sum that will be absolutely grave matter, i.e., an amount the taking of which will be a mortal sin no matter how opulent the victim of the theft be, hardly needs demonstration. For if the relative standard be made the basis of calculation in every case, in other words, if the gravity of theft has always to be measured by the amount of loss or inconvenience caused to the person injured, it would follow that even enormous thefts against the very wealthy could be perpetrated without grave moral fault. The result of this to society would evidently be disastrous. For, taking men as we find them, we can say, on the one hand, that they are very covetous of the goods of this world, and, on the other, that the idea of venial fault and the punishment due to it are not serious deterrents against wrong-doing. If, then, large amounts could be taken without grave fault from the very opulent, for the reason that these do not feel the loss, the consequence would be that such thefts would be multiplied enormously, property would become insecure, and it would have to be said that God, having planted in men the natural instinct and practical necessity of consorting in society, failed to give sufficient sanction in

human conscience for the security and maintenance of this society. Such consequences as these place beyond question the need to fix a certain amount as absolutely grave matter, i.e., an amount the unlawful taking of which will be a mortal sin, even though the person robbed be so wealthy that he scarcely feels the loss. Our correspondent asks what sum ought to be regarded as absolutely grave matter in this country.

We would remark, first of all, that the discussion of this problem is directed mainly to help the confessor in arriving at as just a decision as possible when there is question of imposing the obligation of restitution under grave obligation. It is a matter, then, for the priest's private study and not for exposition in the pulpit. If practice is to be guided by too absolute a standard, the casuistry that must of necessity be employed in theory might easily confirm the dishonest in their petty thieving.

There is no reason for surprise when we find that theologians at different times, and in different places, give various estimates of what they regard as absolutely grave matter. As we have remarked, the solution of the problem does not depend on the amount of means possessed by the persons wronged, but on other factors, and since these other factors vary with time and place, it is evident that the standards built upon them must also vary. Moreover it would be unreasonable to expect that the standard of absolutely grave matter could be determined with mathematical accuracy, even for any one particular country. It would be ridiculous, for instance, to assert with certainty in a particular case that while the taking of, say, £1 would involve a thief in mortal guilt, he would not have sacrificed God's friendship had he been satisfied with nineteen shillings and sixpence. No one can give more than an approximation in this matter where there is no other criterion for the formation of a rule than the opinion of prudent men, the *aestimatio prudentum*.

We have said that the factors which influence theologians in forming their estimates of what ought to be regarded as grave matter vary with circumstances of time and place. These factors are: (a) the value, in other words the purchasing power, of money, and (b) the tightness of the rein which they believe ought, in the public interest, be held on covetousness and cupidity. Influenced by these two considerations, some theologians, between the years 1600 and 1800, estimated that half a certain coin, called the *aureus*, was grave matter indepen-

dently of the resources of the person injured. The modern equivalent of this would be, according to one estimate, about four shillings and sixpence and, according to another, six shillings and sixpence. St. Alphonsus, Lugo and some others were of the opinion that absolutely grave matter would be about a whole *aureus*, while the Salamanca writers estimated it as two, and Layman as high as three, *aureii*. As time passed, the value of money depreciated, with the result that the standard of grave matter was raised all round. At the beginning of the nineteenth century, it was commonly estimated between fifteen and twenty francs, and in the years immediately preceding the late war the following were the standards proposed by the recognised writers of the period: Marc and Ferreres placed it between twenty and thirty francs; D'Annibale and Bucceroni at thirty francs; Genicot at forty francs; Lehmkuhl and Noldin at thirty marks; Crolly and Slater at £1; and Sabetti at five dollars.

If it is difficult enough at any time to establish a definite standard, it must be said that the chaotic conditions that prevailed for some years after the last war complicated the task a hundredfold. The value of money depreciated, sometimes catastrophically; it fluctuated almost from day to day, and the price of commodities varied accordingly. Under such circumstances, it was well nigh impossible to estimate in terms of money what was grave matter. As things became somewhat stabilized, however, writers began to give their estimates again, and the following are the standards which the best known amongst the most recent writers consider equitable: Ferreres—between sixty and eighty francs; Prümmer and Genicot-Salmans—a hundred francs; Tanqueray—between seven and eight dollars; Garriepy—between eight and ten dollars for Canada and about £2/10/- for England; Sabetti-Barrett—thirty-five dollars for the U.S.A.; Davis—£3 for England. It will be seen that there is a rather wide discrepancy between the various estimates, even for one and the same country. The matter, therefore, is intrinsically difficult. This intrinsic difficulty, complicated still more by spasmodic depreciations of currency such as that consequent on the last war, induced Father Arendt, S.J., to make a profound study of the whole question. He proposed to work out a scientific system by which the sum that would constitute grave matter might be determined in any country independently of the vagaries of exchange and the actual purchasing value of money. He gave us the result of his study in a learned article published in the *Nouvelle Revue*

*Theologique*, 1926, p. 123 and ff. The conclusion he arrived at was this: *Nous pensons donc qu'on pourrait adopter la règle suivante pour la détermination de la matière grave dans le vol: la matière absolument grave est l'équivalent du revenu hebdomadaire des chefs de famille appartenant aux catégories les plus favorisées de la grande masse des citoyens de condition modeste, c'est-à-dire des citoyens qui vivent principalement de leur travail en exerçant une profession d'accès facile n'exigeant pas d'études moyennes... En autres termes, c'est l'équivalent du revenu hebdomadaire moyen des bons artisans, des bons ouvriers qualifiés, des bons commis, des petits boutiquiers, qui travaillent assidûment mais n'ont pas de capacité extraordinaire.* According to this rule, absolutely grave matter would be in any country and at any time the average weekly wage of skilled labourers, good clerks, small shop-keepers, and the like, which in our own conditions would be about £4/10/- or £5, and we think the figure is not far off the mark. Before we ever read Father Arendt's article, and merely by taking into account the purchasing value of money amongst us, and the standards laid down by theologians in other countries, we were of the opinion that the standard for Australia was somewhere in the vicinity of the above figure.

II. Several years ago we dealt with the question of week-end holidays which entail the omission of Mass. As our correspondent may not have available that particular issue of the Record, we shall here repeat more or less what we then wrote.

There is question here not of a particular law which ceases to bind a man when he leaves the territory of his superior, but of a universal law of the Church which binds everywhere. Now it is a fundamental principle that as long as a man remains subject to a law he must take reasonable means to observe it. *Qui tenetur ad finem tenetur ad media necessaria.* Hence not only is he bound to acquire a knowledge of the law, and to do nothing for the express purpose of making its observance impossible for himself, but he is bound to take positive reasonable means so that he will be able to observe it. Otherwise he sins. On the other hand, positive laws, even divine and ecclesiastical, do not bind under a *grave incommodum*. These general principles are known to everyone. The difficulty lies in their application especially with a view to deciding if, in a particular case, a certain inconvenience is serious enough to excuse from the observance of a law. In the case proposed, the difficulty may be stated after this

manner: Before the law of hearing Mass on Sundays actually begins to bind, there is a certain *incommodum* involved in looking ahead and avoiding any obstacles to its observance. Is this *incommodum* sufficiently grave to justify a man's going away any time during the week to a place where, he knows, there will not be Mass? In deciding this, it is, of course, understood that we are considering what is of strict obligation under pain of sin. The proper practice for a good Catholic is, evidently, so to arrange his movements that he will always have an opportunity of fulfilling his religious duties on a day of precept, but we are not concerned with this here. And in attempting to arrive at a just decision, it will be very important to keep before our minds whether the time when the law will begin to bind is proximate or remote. We are dealing not with physical entities but with moral obligations, and, in the estimation of men, the nearer we approach the time when a law will begin to bind us, the more right it, as it were, acquires over us, and the greater will the cause need to be to excuse us from doing anything which will render the observance of the law impossible. Moreover it is evident that a much greater reason would be needed to excuse a man for frequently making it impossible for himself to observe the law than if there were question of doing so on one or two occasions only.

With these preliminary remarks before our mind, we can now ask ourselves—Is it ever lawful for a Catholic to go away for a week-end holiday to a place where he knows there will be no facility for him to hear Mass on Sunday? We reply that if he goes away primarily with the intention of omitting Mass—rare contingency—he sins, but if there be no such intention, and he leaves home before a certain time, he does not act sinfully. This is the opinion of all theologians who, in support of their teaching, invoke the intention of the legislator and the approval of good conscientious men. It would be a *grave incommodum* which would seriously interfere with our liberty, they say, if we were always bound to look a long way ahead and make arrangements for the observance of the law; and it is not presumed that the legislator intends to bind us to such inconvenience. We quote here the words of some of the most reliable writers:—

Lehmkuhl<sup>1</sup>: "Hence a person who undertakes a journey on Friday or even on Saturday morning, foreseeing that it will be impossible for him to be present at Mass on Sunday, is not indeed to be praised

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<sup>1</sup>*Vide Theol. Moral., I, n. 252.*

if he has no special reason for the journey, but nevertheless he is not guilty of violating the law of hearing Mass."

Sabetti-Barrett<sup>2</sup>: "One does not sin against the precept of hearing Mass who goes away foreseeing that he will not be able to hear it on the following Sunday."

Noldin<sup>3</sup>: "Hence one does not need any particular reason to justify him in undertaking a journey on, say, Thursday or Friday, even though he foresees that he will not be able to hear Mass on Sunday."

Genicot-Salmans<sup>4</sup>: "Thus it is lawful to start on a journey, even without any particular cause, even when one foresees that by doing so he makes it impossible for himself to satisfy the precept of hearing Mass."

All these, then, and others that might be quoted, agree that there is no particularly grave reason required to justify a man in going away on Thursday, Friday or on Saturday morning, even though he foresees that thereby he is making it impossible for himself to hear Mass on the following Sunday. On the other hand, they are all equally unanimous in saying that if *lex proxime urget*, i.e., if the time when the law will begin to bind is near at hand, the going away merely for the sake of recreation would not be lawful when it entails the omission of Mass. But when it comes to a question of deciding where the line is to be drawn, or, in other words, deciding the exact hour when the law is to be considered as *proxime urgens*, it is not to be wondered if theologians are not of one opinion. All seem to admit that up till mid-day on Saturday it would be lawful to go away. After mid-day, there are those who are inclined to think that the law is *proxime urgens*, and that merely for recreation it would not be lawful to leave. Noldin is of this opinion when he says that "one may for recreation start a journey or go hunting on Saturday morning but not on Saturday evening, and much less on the morning of the day of precept, if he foresees that thereby he will not be able to hear Mass." Lehmkuhl seems to incline to the same limit when he says: "If the Sunday is near at hand, maxime *versus Sabbati noctem* . . . it is not lawful for anyone to put himself in such an impossibility without a just cause, and the nearer the time when the precept will bind, the more serious will the cause have to be." Genicot-Salmans, however, and Sabetti-Barrett would allow a man to go away even as late as 10 or 11 p.m. on

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<sup>2</sup>Vide *Compendium Theol. Moralis*, n. 93.

<sup>3</sup>Vol. I, p. 181.

<sup>4</sup>Vol. I, p. 100.

Saturday. The former says: "Certainly it is lawful, merely for the sake of pleasure, to begin a journey any time during Saturday up to one or two hours before midnight, even though this will impede the hearing of Mass"; and the latter: "One is not excused for going away when the precept is already morally binding, namely, on the very day of precept or an hour or two before, unless there be some just cause." Personally, if we had to do with a man who is busily occupied during the week, and who could not get away earlier in the day, we would think it rigorous to accuse him of sin if he takes his departure any time up till 6 or 7 p.m.

Having established the fact that it is not sinful to go away for recreation on a week-end with the fore-knowledge that this will entail the omission of Mass, we are then confronted with the further question: How frequently may one do this? Well, first of all, we can say that one cannot make a practice of it. We are dealing with an important universal law, and it is certain that the legislator never intended that men can easily free themselves constantly from its fulfilment. Moreover if one goes away week after week merely for recreation, he cannot be said to take reasonable means to satisfy the law. Hence Noldin rightly says: "Certainly it would not be lawful to go away hunting every Saturday morning during the autumn season knowing that the hearing of Mass on the following day will be impossible." But when, again, it comes to drawing the line and defining exactly how many week-ends a man may thus absent himself, it would be rash and imprudent to try to lay down a hard and fast rule. No theologian known to us attempts to do so. But we think a distinction ought to be made between absence on consecutive Sundays and absence now and again over a fairly long period such as, say, the summer months. When there is question of absence on consecutive week-ends, the theologians say it is lawful *semel aut iterum*, once or twice, and this is about as definite as they can be. In the case of an occasional absence over a fairly long period such as the summer months, we think it would be safe to hold that a man would not commit sin were he to miss Mass in this way four or five times over such a period. And, consequently, we think that the persons our correspondent has in mind, and who spend five or six week-ends during the year in places where the hearing of Mass is morally impossible, cannot be regarded as guilty of grave sin.

JOHN J. NEVIN.

# Liturgy

## I.—THE PAPAL TIARA.

Dear Rev. Sir,

I was present recently at a discussion concerning the significance of the Papal Tiara and its use. Some maintained that the Pope wears the tiara when celebrating Solemn Mass and, in general, on occasions on which a Bishop wears the mitre. It was claimed by one that he had seen the Pope enter St. Peter's to celebrate Mass, wearing the tiara. Others, rejecting this contention, stated that the Pope wears a mitre at Solemn Mass, just as do Bishops. They claimed that the tiara is significant rather of the temporal power of the Papacy and, therefore, is not used when the Holy Father is exercising his spiritual office. It was suggested that the triple crown which adorns the tiara symbolises the temporal power.

Would you settle this question in the *Record*?

VATICANUS.

### REPLY.

The tiara is not worn by the Pope at Solemn Mass, for the reason that Mass is a liturgical function. It is not true, however, that the Holy Father never wears the tiara in the exercise of his spiritual office.

The tiara or triple-crown is reckoned amongst the non-liturgical insignia of the Pope, to be worn only at non-liturgical functions. Accordingly he does not wear it in the celebration of Solemn Mass. The rubrics direct him to wear a mitre, just as a Bishop is required to do when pontificating.

Amongst non-liturgical functions are reckoned the solemn procession to the church in which the Holy Father is to celebrate Mass, the pronouncement of solemn dogmatic decisions and other exercises of the power of jurisdiction. It follows that the tiara is not exclusively significant of the temporal power of the Papacy. For these functions, though not liturgical in character, represent an exercise of the Pope's spiritual office. The distinctive characteristic of the tiara, then, is not that it is symbolical of temporal power, but that it is a non-liturgical vestment. Incidentally, it may be assumed that the eye-witness quoted by our correspondent saw the Pope wearing the tiara while being carried from the Vatican to St. Peter's basilica on the sedia gestatoria.

The significance of the triple crown is not clear from the historical records which are available. When the tiara was first worn by the

Popes it was simply a white cap, shaped like a helmet. It is of Byzantine origin, being the style of head-dress worn at the Byzantine court. It was adopted by the Popes in the 7th or 8th century, and many years elapsed before it came to be adorned with one circlet or diadem. This usage obtained during the first half of the 12th century, perhaps as early as the 10th century. Boniface VIII (1294-1303) was the first to wear a tiara adorned with two such diadems. It has been suggested that he wished to symbolise the double authority of the Papacy, but this is uncertain. At some time during the first half of the 14th century a third diadem was added. The exact significance of each or all of the three diadems is, however, very obscure.

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## 2.—STATIONS OF LENT.

Dear Rev. Sir,

All are familiar with the title which appears in the Missal at the beginning of each Mass during Lent, "Statio ad S. Petrum," "Statio ad S. Sabinam," etc. I have been unable, though, to obtain a satisfactory explanation as to its proper significance, whether in ancient times or at the present day in Rome. It would be helpful to many if you could find space for some discussion of this subject in the *A.C.R.*

PETRUS.

### REPLY.

In the history of ecclesiastical practice the term "statio" signifies firstly, a liturgical function consisting of (1) an assembly of clergy and laity at some appointed place, (2) solemn procession to the stational church, (3) celebration of the sacred ceremonies at that church. Secondly, the term "statio" generally has some particular seasonal significance, e.g., the liturgical function may be intended to celebrate the feast of the titular saint of the stational church, or, again, the liturgical celebration may be associated with fasts and penitential practices observed on the same day. Thus it is that in the Missal we find stational churches named for the days of Lent, the Sundays of Advent and the Ember Days.

#### LITURGICAL CELEBRATION.

As has been stated the liturgical function consisted of three distinct phases. Firstly, there was the Assembly or "Collecta" of the Pope, the clergy and laity in some appointed place, usually a church. Here the religious celebrations were opened with the recitation of psalms by

the assembly followed by a prayer of the celebrant. It is of interest that this prayer "ad Collectam," which was generally recited again in the Mass at the station church, came to be known simply as the Collect, the term now commonly in use.

Secondly, the assembly marched in solemn processional order to the station church. Psalms were chanted and the Litany of the Saints was recited. In fact the processions received the name of "Litaniae," a term which meant originally any prayer of supplication, then public prayers in particular. Thus it came to denote processions, at which the public prayers of supplication were commonly recited. The procession was accompanied by great external solemnity. Sacred vessels to be used in the celebration of Mass were borne by the clergy. Other liturgical insignia required when the Pope officiated were also carried.

Thirdly, there were the ceremonies to be carried out at the station church. Frequently a homily was delivered by the Pope, then the Holy Sacrifice was offered.

#### STATIONAL CHURCHES OF LENT.

The churches named in the Missal are, of course, the station churches of Rome. Originally the church was chosen before each occasion, and the selection was announced in advance. Sometimes a martyr's tomb was chosen. When churches became more numerous it became advisable to fix a permanent list. The present list dates almost in its entirety from the time of Pope Gregory the Great, who enriched the practice with much solemnity. The practice also obtained in other centres, e.g., Jerusalem and Constantinople, but no place has preserved such complete records as Rome.

#### SIGNIFICANCE OF THE TERM "STATIO."

Even in ancient times writers were not unanimous in explaining the origin of this term. Some suggest that the celebration entailed long watchings, processions, etc., in which the faithful were obliged to stand (*stantes*). The church to which they walked and at which they remained standing was then called the "statio."

Others consider the ecclesiastical usage to have had its origin in military terminology. This practice of Christians was considered to be analogous with that of sentinels of the army. Tertullian explains the term in this sense (*De Orat.*).

#### STATIONS OF LENT IN PRESENT-DAY PRACTICE.

The solemn celebration of station days with the Pope in attend-

ance lapsed gradually after the Popes set up residence at Avignon. However, the practice is far from being extinct. At the present day divine worship is celebrated in the stational church with greater solemnity and with a greater concourse of people. In the morning Solemn Mass is offered. In the evening clergy and laity march in procession, reciting the Litany of the Saints. It is customary, too, that relics and treasures preserved in the church be exhibited to the faithful on that day.



### 3.—COMMUNION OF SICK NUNS BEFORE MASS.

Dear Rev. Sir,

One of the priests of this parish celebrates Mass in the convent chapel each morning. The community includes some permanent invalids, to whom Holy Communion is distributed before Mass. It is customary for the priest to vest in surplice and stole to bring Holy Communion to these sick nuns, then return to the sacristy and vest for Mass. Seeing that Holy Communion is distributed to the sick immediately before Mass, would it be rubrical for the priest to vest for Mass, go to the altar, take Holy Communion to the sick, then return to the altar and commence Mass?

CAPPELLANUS.

#### REPLY.

In accordance with authentic replies of the S. Congregation of Rites it is permissible for the priest who is celebrating Mass to leave the altar in order to distribute Holy Communion. The same rule is applicable in the case submitted by our correspondent, namely, when the priest is fully vested, about to commence Mass. The practice is permissible even when the sick person's room is so located that the altar cannot be seen from it, provided that the voice of the celebrant can be heard as he offers Mass.

In the case in question, then, the solution depends upon the location of the sick room. If it is so far removed that its occupants can neither see the altar nor hear the voice of the celebrant the existing custom must be maintained. Otherwise the proposed innovation is in accordance with the rubrics.

#### 4.—REQUIEM MASS WITHIN THE OCTAVE OF CORPUS CHRISTI.

Dear Rev. Sir,

News of the death of a parent overseas reached here by cablegram on May 23rd of last year. Could a Solemn Requiem Mass have been said on Saturday, May 25th, for the repose of that person's soul? Due to that date falling within the Octave of Corpus Christi and the Directory having R.E. in the margin opposite that date, a considerable amount of discussion arose about this matter. While the Mass was deferred to a much later date, I am convinced from my perusal of the Rubrics, that a Solemn Requiem Mass would have been permitted on the aforesaid day. Will you please throw a ray of light on this matter.

P.J.C.

#### REPLY.

The rubrics did not permit the celebration of a Solemn Requiem Mass on the Saturday mentioned, because it was within the privileged octave of the feast of Corpus Christi. The case is governed by the rules laid down in the Missal, in "Add. et Var. in Rub. Miss.," III, 6. "On the third, seventh or thirtieth day after the death or burial of the faithful departed, also in the case of an anniversary Mass, finally, in the case of Mass being offered *on the most suitable day after receiving news of the death*, it is permissible to offer one Mass pro Defuncto, whether solemn or low, *in any church at all*, provided that it is not a Sunday, a feast de praecepto (even suppressed), All Souls' Day, a Double of the 1st or 2nd class (even if transferred), a privileged feria or vigil, or *a day within a privileged octave*. In these cases the Mass may be anticipated or transferred to the next available day, provided that it be a Solemn Mass."

Possibly our correspondent is considering that the Mass in this case should be classified as a funeral Mass in the strict sense, "*absente rationabilem ob causam vel jam sepulso cadavere*." In that case it would have been permissible to celebrate the Mass on the day stipulated. However, the funeral Mass must be presumed to have been offered overseas, in the place of death or burial. The Mass, offered in this part of the world, is subject to the rubrics set out above.

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#### 5.—ASPERGES CEREMONY IN PAROCHIAL CHURCHES.

Dear Rev. Sir,

(1) It used to be customary in some parochial churches to have

the Asperges ceremony before the last parochial Mass on Sundays. In some places it was regarded as obligatory. I am under the impression that this custom has died out in many places. Is it now forbidden by some decree? If not, must the Asperges precede a sung Mass, or is it permissible to have the ceremony even before a low Mass?

(2) What is the correct method of sprinkling the faithful with holy water? Should the priest walk down the aisle of the church sprinkling the congregation as he goes?

(3) After the Asperges, should the priest put on the chasuble and maniple at the sedilia, or may he go to the sacristy for this purpose?

#### REPLY.

The Asperges ceremony has not been prohibited by any decree. On the contrary, it is permissible to hold the ceremony before the principal parochial Mass, even though this is a low Mass. However, the Asperges cannot be said to be obligatory in parochial churches unless a particular law or decree to that effect has been passed.

In the Missal, in which the form of this ceremony is contained, no indication is given as to whether the practice is obligatory. The Ceremoniale Episcoporum requires that the Asperges be held every Sunday in cathedral and collegiate churches, unless the Bishop is celebrating Solemn Mass. In regard to non-collegiate churches, a decree of the S Congregation of Rites makes it clear that the ceremony is not of obligation, but is nevertheless permissible. (S.C.R. Dec. Auth. 4051, ad 1). In some places particular laws require that the Asperges precede the principal parochial Mass each Sunday, e.g., in the dioceses of England. Otherwise local custom determines which course is to be followed. The Decrees of the Fourth Plenary Council of Australasia contain no reference to the Asperges ceremony.

(2) The Ceremoniale Epis. directs the celebrant to stand at the communion rails when sprinkling the faithful with holy water. However, it is customary in many places for the celebrant to walk down the aisles of the church, blessing the congregation as he goes. This custom may be retained, according to a reply given by the S. Congregation of Rites to the Bishop of St Paul, Minnesota. (Dec. Auth. 3114, 2). If this procedure is followed, the celebrant walks down the Epistle side of the church, returning to the altar by the aisle on the Gospel side.

(3) Either procedure is permissible, and custom must determine which is to be chosen (Dec. Auth. 3108).

## 6.—ANTICIPATING MATINS AND LAUDS.

Dear Rev. Sir,

A discussion arose recently amongst some priests in regard to the privilege of anticipating the Divine Office from mid-day of the preceding day. One said that any priest could do it provided that he recited a *Pater* and *Ave* and the ejaculation, "St. Francis Xavier, pray for us." Another said that in this country we were not bound to recite anything, but that the privilege was unconditional. Against this a doubt arose from the fact that the Pagellae in some dioceses give the privilege. I would be glad of some information concerning the anticipation of the Divine Office in the pages of the *Record*.

INQUIRENS.

## REPLY.

The Ordinaries of Australia, in virtue of special faculties granted to them by the S. Congregation of Propaganda, may grant to priests the privilege of anticipating Matins and Lauds from mid-day of the previous day. "(Facultas) concedendi ut, expleto Divino Officio diei, legitima concurrente causa, privatum recitari possit matutinum cum laudibus diei sequentis, statim post meridiem" (Facultas Secunda Major, 31). This faculty is granted to priests in the "Pagellae Facultatum" issued by the Ordinaries (Conc. Plen. IV, Doc. X, 27). No restriction is placed upon the use of this faculty, except what is implied by the expression "legitima concurrente causa." There is no need, therefore, to recite such prayers as a *Pater*, *Ave*, and ejaculation.

It is noteworthy that members of certain pious associations enjoy the privilege of anticipating Matins and Lauds from some hour earlier than two o'clock—the earliest hour at which anticipation may take place, apart from special privileges. Members of the Priests' Eucharistic League, for instance, may anticipate from the hour of one o'clock. Perhaps the practice of reciting some prayers such as a *Pater* and *Ave* is attached to some particular privilege.

JAMES CARROLL.

## Book Reviews

THE MYSTERY OF FAITH. Father Carroll's translation of *Mysterium Fidei*, by the late Père de la Taille, S.J., Book I, The Sacrifice of Our Lord. Sheed & Ward, 1940.

The publication of the first volume of the translation of this great work is an event of especial interest in the world of theology. The great undertaking of Father J. Carroll, to give to the world a translation of de la Taille's monumental work, has, after fourteen years of immense labour, now been brought to fulfilment. The completed work, of which the first, beautifully printed and produced, of the three volumes into which it is to be divided, is now to hand, and far exceeds expectations both in the complete accuracy and reliability of the rendition of de la Taille's thesis and in the quality, I may say the elegance, of the fine prose of the translation itself. This latter is undoubtedly, to my mind, the greater achievement for, as has been noted previously, in a comment on a separately published thesis (*A.C.R.*, p. 382), in the original text the vast assembly of citations could be given in their actual words: —for the Greek Fathers and authors there were accepted Latin versions: while in the doctrinal expositions, terms and language were employed which, hammered out on the anvil of centuries of disputation, fitted closely the concepts they expressed, or else had had their meaning fixed by authoritative definition.

In the translation now before us both the citations and the traditional doctrinal terms have had to be turned into a new and necessarily reliable medium and words and phrases chiselled so as accurately to express subtle but clearly defined truths and shades of meaning (though for many key-words regarding the Sacrifice of the Mass we have an accepted translation, as, e.g., Offering and Oblation).

The publication of *Mysterium Fidei* in 1919 created a sensation. No Catholic work in recent centuries has caused such a stir and evoked so much valuable if at times strenuous, discussion. The main theme of disputation was the assertion, and the systematised exposition, of the doctrine of the organic unity of the Supper and the Sacrifice of the Cross, namely, that the Last Supper and the Cross are essential constituents of one and the same Redemptive Sacrifice. This thesis, though widely disputed and as hotly defended among the Tridentine Fathers, had, since then, found no able or general defence until the

appearance of this monumental work covering the whole matter of the Sacrifice, the Supper, the Mass and all related questions, by the learned and zealous Père de la Taille, S.J., then professor of the Gregorian Pontifical University at Rome, and lately deceased.

There exists, as we are aware, an endless profusion of writings on the same themes, discursive, instructive, devotional and meditational, but there has never been anything published on such a wide and elevated scale, with so much erudition, patristic learning, exact and profound scholarship as is contained in this fervent exposition of the whole drama of the Sacrifice of the Redemption, its Offering, its Consumption and its endless renewal in the Sacrifice of the Mass.

The value of a translation of such a work needs no comment. One may here be permitted the observation that such translations of works of theology are increasingly desirable and their publication practicable. Vast and profound treasures of scholarship and majestic reasoning, part of the Catholic heritage, are locked away from the world by the barrier of a difficult language, barred to all save those who possess such mastery of the language as is required for easy and profitable reading. A little has been done to bring these treasures within the scope of the ordinary educated reader, Catholic and non-Catholic. The translation of the *Summa* by the Dominicans has placed the wisdom and charity of St. Thomas within the reach of everyone who can read, with much profit to the faith and human wisdom. But much remains to be done. Translations of the Fathers, for instance, particularly the pre-Nicene, are only available from Protestant sources which are at no pains to conceal their anti-papal bias. It is, too, a matter of regret that the profound thought and penetration, as well as the learning, of the greatest of the scholastics, Scotus, should be accessible only to the few who have the skill and the hardihood to master his so difficult text. Perhaps his fellow-Franciscans, even here, encouraged by Father Carroll's great labours, may undertake the task. Scholarship with practised literary craftsmanship is not wanting to them.

The publication and now the translation, of *The Mystery of Faith*, has at this time a special import. The work may be regarded as one fruit of the great eucharistic florescence of our time. The truly extraordinary expansion of the faith in mission lands, the re-vitalizing of the faith in Catholic lands (together with the sloughing of "liberal" accretions) the increased fruitfulness of the laity in every good work, so

manifest nowadays, the universal increase of devotion, both public and private, to the Blessed Eucharist, with its attendant fruits of devotion and sanctification seem, on simple reflection, to be connected with the strengthening of the interior life of the church during the past several decades, a strengthening which was in origin Eucharistic, and which received its deepest impulse from the publication of the decrees on frequent and daily Communion (and also from the other profoundly fruitful simplification of access to penance by all) of Pius X of holy memory.

In this increasing interior life and strengthening of the faith, an ever wider and deeper enquiry into and knowledge of the Sacrifice of Christ and the Eucharist is to be expected and fostered, in the laity as well as in the priesthood; an enquiry of faith ever seeking knowledge,

“ . . . to build up the faith, that the knowledge of the faith may be enriched, to enable us to appreciate the full benefit of the gift of God. . . . ‘That He might make known to us the mystery of his Will’ ” (*Preface to The Mystery of Faith*).

Nothing conceivably better suited to this need can be imagined than this work now accessible to everyone, to the scholar, the preacher, the student, as well as to the person in search of devotional and instructional reading. Even for a scrutiny of de la Taille’s teaching this eminently accurate and readable translation is preferable to a study of the Latin text, which, though possessing force, clarity and precision, yet makes neither easy nor pleasant reading.

This, the first book of the translation, is concerned with the sacrifice of Our Lord. A review of Father Carroll’s work need not be a review of *Mysterium Fidei*. That has been done ably and thoroughly elsewhere and also in these pages. One point only will be touched on later. Apart from the merit of the exposition of the central theme of the great work, nothing will so strike the ordinary reader of *The Mystery of Faith* as the wonderful and very beautiful collation of testimonies from the Liturgies, the Fathers, the Writers and the theologians, to place them in the order of their importance, both of the East and of the West and of all ages down to our own. They form in themselves a veritable Eucharistic *thesaurus*. This aspect of the work, to the present reviewer, almost equals in value its doctrinal or expositive content. Indeed, following on what was said above, there is a marvellous opportunity in thus presenting and recapitulating what the Church has believed and taught from the beginning concerning the sublime Mystery

of the Cross. Theories of knowledge may come and go. The minds of thinkers and teachers are drawn aside, coloured or disturbed by current fashions in philosophies or ideas or rapt up in the marvels of this age. But for us, in our faith, in all that it implies, what matters is that we have handed on to us, spread amongst us, passed on to those who come after us, that which was given to us by the Divine Redeemer and His Apostles in the beginning, what was taught in the early church by the exponents of divine tradition, what has been believed and practised through the centuries, not alone what is formally set out in the teaching of the Church but that also which is embodied in unworded, undefined, but substantial belief and pious usage derived from apostolic tradition and proposed to us by the ordinary and universal authority of those, who "by divine institution are the successors of the Apostles." (Canon 329). All this, in what pertains to the Supper, the Cross, the Mass and its Eucharistic fruits, we shall find throughout the pages of this great work before us.

A brief quotation taken at random will illustrate this as well as the readability and quality of the translation itself. It is from the canon of the ancient Ambrosian rite:

"Can we despair of thy mercy, we who have been considered worthy to receive the high office of offering this great Victim to thee, that is the Body and Blood of Our Lord Jesus, *who for the salvation of the world gave himself to that holy and venerable passion? Who instituting the form of the sacrifice of salvation, first offered himself as Victim, and first taught that He should be offered?*" (M.F., p. 71).

Again from a similar source:

" . . . Standing round thy altars, O Lord of Hosts, and glorying in the knowledge of thy immaculate Lamb, *who offered himself to be immolated for us, may we be nourished unto eternal life, by the celestial sacrifices in his body and blood, whereby we are redeemed from our sins.*" (Preface from the Gelasian Sacramentary of Pope St. Gelasius, Vth Cent., M.F., p. 73).

And again from Nicholas Cabasilas, the greatest of the Greek theologians of the Middle Ages, quoted in a previous review, this perfectly rendered fragment:

"For only after the Cross are we knit to Christ. Before His death we had no communion with Him. For He was

the Son and He was the Beloved; we were criminals, slaves and enemies. But after his death when the price was paid, the chain of the devil broken, we received the liberty and adoption of children, and became members of that blessed Head." (*De Vita in Christo*), p. 33 M.F.

There is a great freshness and positive quality in all these quotations. Indeed the whole work of de la Taille is positive where not expositional. It is not controversial or apologetic. ("Who accepts today the sophisticated exegesis of the sixteenth-century reformers"? Preface to M.F.). There is no argumentative espousal of schools and especially of "systems" that can make the reading or study of doctrine so difficult and wearisome. Indeed, he exclaims in his preface, "perish all such systems, which are as Billot says, 'the ruin of theology.'" So we shall not be troubled by the tedious pedantry of a system, something which the author kindly describes as "a hypothetical explanation of things impossible of explanation," but which we, perhaps, may remember as the explanation of divine truths in the mould of a particular writer's or professor's way of thinking coloured by his philosophical fancies. The systems, however, are not to be confounded with the schools, those mines of divine truths, where, with jealous care and unceasing vigil, the gold of the divine deposit is unearthed for the mint and stamp of authority. So, piled on the elegant vehicle of the translation we now possess, the author brings along his cornucopia of eucharistic fruits, his patristic *florelegia*, past the closed guilds of the schools, past the chaffering booths of the "systems" to the open mart where all may come and buy.

In the commentary of the Gospel accounts of the great central mysteries the translation brings out another quality of the work of particular value. In his exposition of the phases of the Passion, which are commonly dwelt upon as simple points of mediation on the Via Dolorosa of Our Saviour or as merely points of time marking its progress, these are here considered and set out in the meaning and relationship that alone gives them their real significance in the Gospel narrative, namely, as delineating the true nature and purpose of the whole Passion and Death of our Saviour, in other words, their redemptive or sacrificial significance. Such points, apart from the Supper itself, which he regards as one Act with the Passion and Death, are the Betrayal of Judas, the Sacerdotal Prayer of Christ, the Going forth from the Cenacle to the Garden.

A few points now of dispraise. While the translation throughout possesses a severe simplicity and a high prose quality, yet it is to be hoped that future editions of *The Mystery of Faith* will see an even greater effort at simplicity, a further attempt to devise a manner of rendering clearly the import of certain parts without recourse—as in a few places, a very few—to a rather heavy latinese which differs little from the original scholastic terminology. There is throughout the whole work scrupulous accuracy and an acceptable form but in a few places there are “rocks.”

For example the translation of the five observations regarding the nature of the oneness of the Supper and the Passion makes heavy going (p. 137 et seq.). It should be possible to put these important reflections into simple language for the average reader, clerical as well as lay, to whom scholastic logical and ontological terms and abstractions are either a sealed book or else a blurred and slightly painful memory. A few samples on this point:

“not one thing . . . *in genere rei*, but only *in genere signi* or *sacrament* , , , do not form one sign after the manner of merely integrating parts . . . but after the manner of constitutive elements . . . sustaining and being the subject of the determining form, . . . the mode of union being comparable to that by which all corporeal essences arise from the union of an indeterminate but indeterminable principle.”

Alas for the doctrinal milk!

Sentences such as these are however most rare, and occur because of the translators’ set purpose to present a faithful and readable translation of the text in form and content, and, with that in mind, it is hard to see how they could be rendered differently, but, having regard to the far greater, and less instructed, public who will read the translation, a wider latitude and further simplification in the form is permissible and expedient.

A venture here into doctrinal criticism. The whole weight of Scriptural evidence, including probably the Epistle to the Hebrews, patristic and liturgical testimony in the work, favours the theory of the organic unity of the Supper with the Cross, and is, as the author presents it, profoundly satisfying until one comes face to face with the “Tridentine words” . . . *qui seipsum tunc in cruce obtulit*,” (Denz. 940). The words, and they are the words of the Supreme Magis-

terium, indubitably link the oblation (or *an* oblation), of Christ with the wood of the Cross . . . in *ara crucis*." . . .

It would be interesting to have an historical account of the Tridentine discussions prior to the definition on this point, either from the translator himself or from a certain retiring confrere of the late Père de la Taille's, to whose scholarship and judgment Father Carroll has already made acknowledgment. Some brief references have been made in these pages to these discussions (*A.C.R.*, Vol. VIII, 1), and this difficulty touched upon.

Finally I offer sincere congratulations to the translator on his truly great achievement. The fruits of it are beyond present judgment to assess. They will, I feel, be still accumulating when we have left this earthly scene. I shall not venture further praise. Indeed, praise or dispraise must come with equal indifference to him. For the motives that could sustain such difficult, protracted, ungrudging and, may I say it, in Father Carroll's remote circumstances, obscure labour, look for no commendation that we can bestow—provided only that the work be well done, and it is truly well done.

The *Mystery of Faith* will be a treasury of instruction, of knowledge, of devotion for the preacher, the teacher, and for the student in the years to come. But it is to be remembered that its main purpose, however, is doctrinal. In the reading there is always a tendency to espouse one theory as against another, and perhaps eagerly to uphold it. But, if I may, I would here recall the advice given by an eminent commentator in these pages on this point, namely, that "until the theological battle is decided, preachers and writers of popular works will do well if, in spite of illustrious examples to the contrary, they carefully refrain from taking sides." (*A.C.R.*, Vol. VIII, p. 14).

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